

AMENDED IN SENATE APRIL 17, 2006

**SENATE BILL**

**No. 1475**

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**Introduced by Senator Figueroa**

February 23, 2006

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~~An act relating to chiropractors, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 28, 146, 146.5, 650.4, 2908, 4104, 4162, 4180, 4181, 4182, 4190, 4191, 4192, 4507, 4546, 4548, 4990, and 4996.26 of, to add Chapter 13.5 (commencing with Section 4987) and Chapter 13.7 (commencing with Section 4988) to Division 2 of, to repeal Sections 4990.1, 4990.2, 4990.3, 4990.5, 4990.6, 4990.7, 4990.8, 4990.9, 4990.10, 4990.11, 4990.12, 4990.125, 4990.13, 4990.14, 4990.15, 4990.16, 4992.31, 4994, and 4998.6 of, and to repeal and add Chapter 13 (commencing with Section 4980) of Division 2 of, the Business and Professions Code, to amend Section 1812.501 of the Civil Code, to amend Sections 1010, 1010.5, and 1014 of the Evidence Code, to amend Sections 6924 and 6929 of the Family Code, to amend Section 6276.18 of the Government Code, to amend Sections 1277, 1373, 1506, and 123115 of the Health and Safety Code, to amend Sections 10176 and 10177 of the Insurance Code, to amend Sections 11163.3, 11165.7, and 11174.8 of the Penal Code, and to amend Section 15610.37 of the Welfare and Institutions Code, relating to the healing arts, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1475, as amended, Figueroa. ~~Chiropractic Act: amendment by the Legislature. Healing arts.~~

*(1) Existing law creates the Board of Behavioral Sciences and makes it responsible for the licensure and regulation of marriage and family therapists, clinical social workers, and educational*

psychologists. Under existing law, moneys received by the board are deposited into the Behavioral Sciences Fund and are continuously appropriated to the board, other than the revenue from fines and penalties. Existing law makes a violation of the provisions regulating these practitioners a crime.

This bill would recast the provisions creating the board and those that relate to the licensure and regulation of marriage and family therapists. The bill would delete the board's responsibility to review the supervision requirements for marriage and family therapist interns and trainees and obsolete provisions relating to intern registration requirements. The bill would revise the requirements for licensure as a marriage and family therapist for out-of-state licensees and for acceptance of education obtained out-of-state toward satisfying licensure requirements. The bill would name provisions regulating social workers the Clinical Social Worker Practice Act and would also establish the Educational Psychologist Practice Act that would continue the licensure and regulation of educational psychologists by the board. The bill would revise the provisions defining and regulating the practice of educational psychologists and would require licensees to complete continuing education as a prerequisite for licensure renewal. The bill would authorize the board to require those continuing education providers to pay fees to fund the administration of this requirement. Because the bill would direct their deposit into the Behavioral Sciences Fund, it would make an appropriation by increasing the amount of funds in a continuously appropriated fund. The bill would continue to make the violation of provisions regulating educational psychologists punishable as a crime and because it would prohibit the commission of additional types of conduct, the bill would expand that crime and thereby impose a state-mandated local program.

(2) Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy and makes a violation of the act a crime.

Existing law requires every pharmacy to have written policies and procedures for detecting certain impairments or drug-related acts among licensees employed by or with the pharmacy.

This bill would instead require every pharmacy to have written policies and procedures for addressing those impairments or acts by those licensees.

*Existing law requires an applicant for a wholesaler license to submit a surety bond or other security to the board, as specified.*

*This bill would exempt a government-owned and operated wholesaler from that requirement.*

*Under existing law, specified clinics, including surgical clinics, may purchase drugs at wholesale for administration or dispensing to the clinic's patients. Existing law requires these clinics to maintain certain records for at least 7 years for inspection and to obtain a license from the board. Existing law specifies that each license is to be issued to a specific clinic and for a specific location. Existing law requires those clinics, when applying for a license, to show evidence that a professional director, as defined, is responsible for the provision of pharmacy services. Existing law also requires those clinics, other than surgical clinics, to retain a consulting pharmacist to perform specified tasks, including certifying in writing, at least twice a year, that the clinic is or is not operating in compliance with specified requirements, and requires the most recent certification to be submitted with the clinic's license renewal application.*

*This bill would instead require those clinics to maintain those records for at least 3 years and would require a separate license for each clinic location. The bill would expand the definition of "professional director" to include a dentist or podiatrist in certain circumstances. The bill would require a clinic to notify the board of any change of address, any change of the board of directors of a clinic's nonprofit corporation or, in the case of a surgical clinic, any proposed change in ownership, as specified, and any change in professional director. The bill would require surgical clinics also to retain a consulting pharmacist to perform those specified tasks. The bill would require a consulting pharmacist to provide the certification, with any recommended corrective actions, in writing quarterly and to keep the certification on file for 3 years. Because the bill would specify additional requirements under the Pharmacy Law, a violation of which would be a crime, it would impose a state-mandated local program. The bill would make other technical changes.*

*(3) Existing law, the Psychiatric Technicians Law, provides for the licensure and regulation of psychiatric technicians by the Board of Vocational Nursing and Psychiatric Technicians, imposes specified fees in connection with the issuance of licenses by the board, and authorizes the board to fix certain of those fees within specified minimums and maximums. Existing law requires the board to pay all*

revenue received into the State Treasury for credit to the Vocational Nursing and Psychiatric Technicians Fund. Existing law prohibits the board from maintaining a reserve balance greater than 3 months of the appropriated operating expenditures of the board in any fiscal year.

*This bill would delete that prohibition and reduce the minimum amount of certain fees fixed by the board.*

*(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~The Chiropractic Act, an initiative measure approved by the voters on November 7, 1922, provides for the regulation and licensing of chiropractors in this state by the State Board of Chiropractic Examiners. Amendment of the Chiropractic Act requires approval by the voters.~~

~~This bill would declare the intent of the Legislature to enact legislation permitting the amendment of the Chiropractic Act, consistent with the intent of the act, by an extraordinary vote of the Legislature, without approval by the voters of this state.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote:  $\frac{2}{3}$ -majority. Appropriation: no-yes. Fiscal committee: no-yes. State-mandated local program: no-yes.~~

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 28 of the Business and Professions Code  
 2     is amended to read:  
 3     28. The Legislature finds that there is a need to ensure that  
 4     professionals of the healing arts who have demonstrable contact  
 5     with child abuse victims, potential child abuse victims, and child  
 6     abusers and potential child abusers are provided with adequate  
 7     and appropriate training regarding the assessment and reporting  
 8     of child abuse ~~which~~ *that* will ameliorate, reduce, and eliminate  
 9     the trauma of child abuse and neglect and ensure the reporting of  
 10    child abuse in a timely manner to prevent additional occurrences.

1 The Board of Psychology and the Board of Behavioral  
2 Sciences shall establish required training in the area of child  
3 abuse assessment and reporting for all persons applying for initial  
4 licensure and renewal of a license as a psychologist, clinical  
5 social worker, or marriage and family therapist on or after  
6 January 1, 1987. This training shall be required one time only for  
7 all persons applying for initial licensure or for licensure renewal  
8 on or after January 1, 1987.

9 All persons applying for initial licensure and renewal of a  
10 license as a psychologist, clinical social worker, or marriage and  
11 family therapist on or after January 1, 1987, shall, in addition to  
12 all other requirements for licensure or renewal, have completed  
13 coursework or training in child abuse assessment and reporting  
14 ~~which~~ *that* meets the requirements of this section, including  
15 detailed knowledge of Section 11165 of the Penal Code. The  
16 training shall meet all of the following requirements:

17 (a) Be completed after January 1, 1983.

18 (b) Be obtained from one of the following sources:

19 (1) An accredited or approved educational institution, as  
20 defined in Sections 2902, ~~4980.40~~ 4981.02, and 4996.18,  
21 including extension courses offered by those institutions.

22 (2) A continuing education provider approved by the  
23 responsible board.

24 (3) A course sponsored or offered by a professional  
25 association or a local, county, or state department of health or  
26 mental health for continuing education and approved by the  
27 responsible board.

28 (c) Have a minimum of 7 contact hours.

29 (d) Include the study of the assessment and method of  
30 reporting of sexual assault, neglect, severe neglect, general  
31 neglect, willful cruelty or unjustifiable punishment, corporal  
32 punishment or injury, and abuse in out-of-home care. The  
33 training shall also include physical and behavioral indicators of  
34 abuse, crisis counseling techniques, community resources, rights  
35 and responsibilities of reporting, consequences of failure to  
36 report, caring for a child's needs after a report is made,  
37 sensitivity to previously abused children and adults, and  
38 implications and methods of treatment for children and adults.

39 (e) An applicant shall provide the appropriate board with  
40 documentation of completion of the required child abuse training.

1 The Board of Psychology and the Board of Behavioral  
2 Sciences shall exempt an applicant who applies for an exemption  
3 from the requirements of this section and who shows to the  
4 satisfaction of the board that there would be no need for the  
5 training in his or her practice because of the nature of that  
6 practice.

7 It is the intent of the Legislature that a person licensed as a  
8 psychologist, clinical social worker, or marriage and family  
9 therapist have minimal but appropriate training in the areas of  
10 child abuse assessment and reporting. It is not intended that by  
11 solely complying with the requirements of this section, a  
12 practitioner is fully trained in the subject of treatment of child  
13 abuse victims and abusers.

14 ~~(f) This section shall become operative on January 1, 1997.~~

15 *SEC. 2. Section 146 of the Business and Professions Code is*  
16 *amended to read:*

17 146. (a) Notwithstanding any other provision of law, a  
18 violation of any code section listed in subdivision (c) or (d) is an  
19 infraction subject to the procedures described in Sections 19.6  
20 and 19.7 of the Penal Code when:

21 (1) A complaint or a written notice to appear in court pursuant  
22 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part  
23 2 of the Penal Code is filed in court charging the offense as an  
24 infraction unless the defendant, at the time he or she is arraigned,  
25 after being advised of his or her rights, elects to have the case  
26 proceed as a misdemeanor, or

27 (2) The court, with the consent of the defendant and the  
28 prosecution, determines that the offense is an infraction in which  
29 event the case shall proceed as if the defendant has been  
30 arraigned on an infraction complaint.

31 (b) Subdivision (a) does not apply to a violation of the code  
32 sections listed in subdivisions (c) and (d) if the defendant has had  
33 his or her license, registration, or certificate previously revoked  
34 or suspended.

35 (c) The following sections require registration, licensure,  
36 certification, or other authorization in order to engage in certain  
37 businesses or professions regulated by this code:

38 (1) Sections 2052 and 2054.

39 (2) Section 2630.

40 (3) Section 2903.

- 1 (4) Section 3660.
- 2 (5) Sections 3760 and 3761.
- 3 (6) Section 4080.
- 4 (7) Section 4825.
- 5 (8) Section 4935.
- 6 (9) Section ~~4980~~ 4983.
- 7 (10) Section 4996.
- 8 (11) Section 5536.
- 9 (12) Section 6704.
- 10 (13) Section 6980.10.
- 11 (14) Section 7317.
- 12 (15) Section 7502 or 7592.
- 13 (16) Section 7520.
- 14 (17) Section 7617 or 7641.
- 15 (18) Subdivision (a) of Section 7872.
- 16 (19) Section 8016.
- 17 (20) Section 8505.
- 18 (21) Section 8725.
- 19 (22) Section 9681.
- 20 (23) Section 9840.
- 21 (24) ~~Subdivision (c) of Section 9891.24.~~
- 22 ~~(25) Section 19049.~~
- 23 (25) *Section 22255.*

24 (d) Institutions that are required to register with the Bureau for  
25 Private Postsecondary and Vocational Education pursuant to  
26 Section 94931 of the Education Code.

27 (e) Notwithstanding any other provision of law, a violation of  
28 any of the sections listed in subdivision (c) or (d), which is an  
29 infraction, is punishable by a fine of not less than two hundred  
30 fifty dollars (\$250) and not more than one thousand dollars  
31 (\$1,000). No portion of the minimum fine may be suspended by  
32 the court unless as a condition of that suspension the defendant is  
33 required to submit proof of a current valid license, registration, or  
34 certificate for the profession or vocation which was the basis for  
35 his or her conviction.

36 *SEC. 3. Section 146.5 of the Business and Professions Code*  
37 *is amended to read:*

38 146.5. (a) Notwithstanding any other provision of law, a  
39 violation of any code section listed in subdivision (c) is an

1 infraction subject to the procedures described in Sections 19.6  
2 and 19.7 of the Penal Code if either of the following occur:

3 (1) A complaint or a written notice to appear in court pursuant  
4 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part  
5 2 of the Penal Code is filed in court charging the offense as an  
6 infraction unless the defendant, at the time he or she is arraigned,  
7 after being advised of his or her rights, elects to have the case  
8 proceed as a misdemeanor.

9 (2) The court, with the consent of the defendant and the  
10 prosecution, determines that the offense is an infraction in which  
11 event the case shall proceed as if the defendant has been  
12 arraigned on an infraction complaint.

13 (b) Subdivision (a) does not apply to a violation of the code  
14 sections listed in subdivision (c) if the defendant has had his or  
15 her license, registration, or certificate previously revoked or  
16 suspended.

17 (c) The following sections require registration, licensure,  
18 certification, or other authorization in order to engage in certain  
19 businesses or professions regulated by this code:

- 20 (1) Section 2630.
- 21 (2) Section 2903.
- 22 (3) Sections 3760 and 3761.
- 23 (4) Section 4825.
- 24 (5) ~~Section 4980~~ 4983.
- 25 (6) Section 4996.
- 26 (7) Section 5536.
- 27 (8) Section 6704.
- 28 (9) Section 6980.10.
- 29 (10) Section 7317.
- 30 (11) Section 7502 or 7592.
- 31 (12) Section 7617 or 7641.
- 32 (13) Subdivision (a) of Section 7872.
- 33 (14) Section 8016.
- 34 (15) Section 8505.
- 35 (16) Section 8725.
- 36 (17) Section 9681.
- 37 (18) Section 9840.
- 38 (19) Section 9855.1.
- 39 (20) Section 19049.

(d) Notwithstanding any other provision of law, a violation of any of the sections listed in subdivision (c), which is an infraction, is punishable by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000). No portion of the minimum fine may be suspended by the court unless as a condition of that suspension, the defendant is required to submit proof of a current valid license, registration, or certificate for the profession or vocation that was the basis for his or her conviction.

(e) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

*SEC. 4. Section 650.4 of the Business and Professions Code is amended to read:*

650.4. (a) Notwithstanding Section 650, subdivision ~~(o)~~ (p) of Section ~~4982~~ 4984, or any other provision of law, it shall not be unlawful for a person licensed pursuant to Chapter 13 (commencing with Section 4980) or any other person, to participate in or operate a group advertising and referral service for marriage and family therapists if all of the following conditions are met:

(1) The patient referrals by the service are the result of patient-initiated responses to service advertising.

(2) The service advertises, if at all, in conformity with Section 651 and subdivision ~~(p)~~ (q) of Section ~~4982~~ 4984.

(3) The service does not employ a solicitor to solicit prospective patients or clients.

(4) The service does not impose a fee on the member marriage and family therapists that is dependent upon the number of referrals or amount of professional fees paid by the patient to the marriage and family therapist.

(5) Participating marriage and family therapists charge no more than their usual and customary fees to any patient referred.

(6) The service registers with the Board of Behavioral Sciences, providing its name, street address, and telephone number.

(7) The service files with the Board of Behavioral Sciences a copy of the standard form contract that regulates its relationship

1 with member marriage and family therapists, which contract shall  
2 be confidential and not open to public inspection.

3 (8) If more than 50 percent of its referrals are made to one  
4 individual, association, partnership, corporation, or group of  
5 three or more marriage and family therapists, the service  
6 discloses that fact in all public communications, including, but  
7 not limited to, communications by means of television, radio,  
8 motion picture, newspaper, book, list, or directory of healing arts  
9 practitioners.

10 (9) (A) When member marriage and family therapists pay any  
11 fee to the service, any advertisement by the service shall clearly  
12 and conspicuously disclose that fact by including a statement as  
13 follows: "Paid for by participating marriage and family  
14 therapists." In print advertisements, the required statement shall  
15 be in at least 9-point type. In radio advertisements, the required  
16 statement shall be articulated so as to be clearly audible and  
17 understandable by the radio audience. In television  
18 advertisements, the required statement shall be either clearly  
19 audible and understandable to the television audience, or  
20 displayed in a written form that remains clearly visible to the  
21 television audience for at least five seconds.

22 (B) The Board of Behavioral Sciences may suspend or revoke  
23 the registration of any service that fails to comply with  
24 subparagraph (A). No service may reregister with the board if its  
25 registration currently is under suspension for a violation of  
26 subparagraph (A), nor may a service reregister with the board for  
27 a period of one year after it has had a registration revoked by the  
28 board for a violation of subparagraph (A).

29 (b) The Board of Behavioral Sciences may adopt regulations  
30 necessary to enforce and administer this section.

31 (c) The Board of Behavioral Sciences or 10 individual  
32 licensed marriage and family therapists may petition the superior  
33 court of any county for the issuance of an injunction restraining  
34 any conduct that constitutes a violation of this section.

35 (d) It is unlawful and shall constitute a misdemeanor for a  
36 person to operate a group advertising and referral service for  
37 marriage and family therapists without providing its name,  
38 address, and telephone number to the Board of Behavioral  
39 Sciences.

1 (e) It is the intent of the Legislature in enacting this section not  
2 to otherwise affect the prohibitions of Section 650. The  
3 Legislature intends to allow the pooling of resources by marriage  
4 and family therapists for the purpose of advertising.

5 (f) This section shall not be construed in any manner that  
6 would authorize a referral service to engage in the practice of  
7 marriage and family therapy.

8 *SEC. 5. Section 2908 of the Business and Professions Code is*  
9 *amended to read:*

10 2908. Nothing in this chapter shall be construed to prevent  
11 qualified members of other recognized professional groups  
12 licensed to practice in the State of California, such as, but not  
13 limited to, physicians, clinical social workers, educational  
14 psychologists, marriage and family therapists, optometrists,  
15 psychiatric technicians, or registered nurses, or attorneys  
16 admitted to the California State Bar, or persons utilizing hypnotic  
17 techniques by referral from persons licensed to practice  
18 medicine, dentistry or psychology, or persons utilizing hypnotic  
19 techniques—~~which~~ *that* offer avocational or vocational  
20 self-improvement and do not offer therapy for emotional or  
21 mental disorders, or duly ordained members of the recognized  
22 clergy, or duly ordained religious practitioners from doing work  
23 of a psychological nature consistent with the laws governing their  
24 respective professions, provided they do not hold themselves out  
25 to the public by any title or description of services incorporating  
26 the words “psychological,” “psychologist,” “psychology,”  
27 “psychometrist,” “psychometrics,” or “psychometry,” or that  
28 they do not state or imply that they are licensed to practice  
29 psychology; except that persons licensed under ~~Article 5~~  
30 ~~(commencing with Section 4986) of Chapter 13 of Division 2~~  
31 *Chapter 13.5 (commencing with Section 4987)* may hold  
32 themselves out to the public as licensed educational  
33 psychologists.

34 *SEC. 6. Section 4104 of the Business and Professions Code is*  
35 *amended to read:*

36 4104. (a) Every pharmacy shall have in place procedures for  
37 taking action to protect the public when a licensed individual  
38 employed by or with the pharmacy is discovered or known to be  
39 chemically, mentally, or physically impaired to the extent it  
40 affects his or her ability to practice the profession or occupation

1 authorized by his or her license, or is discovered or known to  
2 have engaged in the theft, diversion, or self-use of dangerous  
3 drugs.

4 (b) Every pharmacy shall have written policies and procedures  
5 for—~~detecting~~ *addressing* chemical, mental, or physical  
6 impairment, as well as theft, diversion, or self-use of dangerous  
7 drugs, among licensed individuals employed by or with the  
8 pharmacy.

9 (c) Every pharmacy shall report to the board, within 30 days of  
10 the receipt or development of the following information with  
11 regard to any licensed individual employed by or with the  
12 pharmacy:

13 (1) Any admission by a licensed individual of chemical,  
14 mental, or physical impairment affecting his or her ability to  
15 practice.

16 (2) Any admission by a licensed individual of theft, diversion,  
17 or self-use of dangerous drugs.

18 (3) Any video or documentary evidence demonstrating  
19 chemical, mental, or physical impairment of a licensed individual  
20 to the extent it affects his or her ability to practice.

21 (4) Any video or documentary evidence demonstrating theft,  
22 diversion, or self-use of dangerous drugs by a licensed  
23 individual.

24 (5) Any termination based on chemical, mental, or physical  
25 impairment of a licensed individual to the extent it affects his or  
26 her ability to practice.

27 (6) Any termination of a licensed individual based on theft,  
28 diversion, or self-use of dangerous drugs.

29 (d) Anyone participating in good faith in the making of a  
30 report authorized or required by this section shall have immunity  
31 from any liability, civil or criminal, that might otherwise arise  
32 from the making of the report. Any participant shall have the  
33 same immunity with respect to participation in any  
34 administrative or judicial proceeding resulting from the report.

35 *SEC. 7. Section 4162 of the Business and Professions Code is*  
36 *amended to read:*

37 4162. (a) (1) An applicant, *that is not a government-owned*  
38 *and operated wholesaler*, for the issuance or renewal of a  
39 wholesaler license shall submit a surety bond of one hundred  
40 thousand dollars (\$100,000) or other equivalent means of

1 security acceptable to the board payable to the Pharmacy Board  
2 Contingent Fund. The purpose of the surety bond is to secure  
3 payment of any administrative fine imposed by the board and any  
4 cost recovery ordered pursuant to Section 125.3.

5 (2) For purposes of paragraph (1), the board may accept a  
6 surety bond less than one hundred thousand dollars (\$100,000) if  
7 the annual gross receipts of the previous tax year for the  
8 wholesaler is ten million dollars (\$10,000,000) or less, in which  
9 case the surety bond shall be twenty-five thousand dollars  
10 (\$25,000).

11 (3) A person to whom an approved new drug application has  
12 been issued by the United States Food and Drug Administration  
13 who engages in the wholesale distribution of only the dangerous  
14 drug specified in the new drug application, and is licensed or  
15 applies for licensure as a wholesaler, shall not be required to post  
16 a surety bond as provided in paragraph (1).

17 (4) For licensees subject to paragraph (2) or (3), the board may  
18 require a bond up to one hundred thousand dollars (\$100,000) for  
19 any licensee who has been disciplined by any state or federal  
20 agency or has been issued an administrative fine pursuant to this  
21 chapter.

22 (b) The board may make a claim against the bond if the  
23 licensee fails to pay a fine within 30 days after the order  
24 imposing the fine, or costs become final.

25 (c) A single surety bond or other equivalent means of security  
26 acceptable to the board shall satisfy the requirement of  
27 subdivision (a) for all licensed sites under common control as  
28 defined in Section 4126.5.

29 (d) This section shall become operative on January 1, 2006,  
30 and shall remain in effect only until January 1, 2011, and as of  
31 that date is repealed, unless a later enacted statute, that is enacted  
32 before January 1, 2011, deletes or extends those dates.

33 *SEC. 8. Section 4180 of the Business and Professions Code is*  
34 *amended to read:*

35 4180. (a) (1) Notwithstanding any provision of this chapter,  
36 any of the following clinics may purchase drugs at wholesale for  
37 administration or dispensing, under the direction of a physician  
38 *and surgeon*, to patients registered for care at the clinic:

1 (A) A licensed nonprofit community clinic or free clinic as  
2 defined in ~~paragraphs~~ *paragraph* (1) ~~and (2)~~ of subdivision (a) of  
3 Section 1204 of the Health and Safety Code.

4 (B) A primary care clinic owned or operated by a county as  
5 referred to in subdivision (b) of Section 1206 of the Health and  
6 Safety Code.

7 (C) A clinic operated by a federally recognized Indian tribe or  
8 tribal organization as referred to in subdivision (c) of Section  
9 1206 of the Health and Safety Code.

10 (D) A clinic operated by a primary care community or free  
11 clinic, operated on separate premises from a licensed clinic, and  
12 that is open no more than 20 hours per week as referred to in  
13 subdivision (h) of Section 1206 of the Health and Safety Code.

14 (E) A student health center clinic operated by a public  
15 institution of higher education as referred to in subdivision (j) of  
16 Section 1206 of the Health and Safety Code.

17 (F) A nonprofit multispecialty clinic as referred to in  
18 subdivision (l) of Section 1206 of the Health and Safety Code.

19 (2) The clinic shall keep records of the kind and amounts of  
20 drugs purchased, administered, and dispensed, and the records  
21 shall be available and maintained for a minimum of ~~seven~~ *three*  
22 years for inspection by all properly authorized personnel.

23 (b) No clinic shall be entitled to the benefits of this section  
24 until it has obtained a license from the board. ~~Each license shall~~  
25 ~~be issued to a specific clinic and for a specific location. A~~  
26 *separate license shall be required for each clinic location. A*  
27 *clinic shall notify the board of any change in the clinic's address*  
28 *on a form furnished by the board.*

29 (c) *A clinic's nonprofit corporation shall report to the board*  
30 *the addition or deletion of a member of the board of directors.*  
31 *The report shall be submitted within 30 days of the addition or*  
32 *deletion on a form furnished by the board.*

33 *SEC. 9. Section 4181 of the Business and Professions Code is*  
34 *amended to read:*

35 4181. (a) Prior to the issuance of a clinic license authorized  
36 under Section 4180, the clinic shall comply with all applicable  
37 laws and regulations of the State Department of Health Services  
38 relating to the drug distribution service to insure that inventories,  
39 security procedures, training, protocol development,  
40 recordkeeping, packaging, labeling, dispensing, and patient

1 consultation occur in a manner that is consistent with the  
2 promotion and protection of the health and safety of the public.  
3 The policies and procedures to implement the laws and  
4 regulations shall be developed and approved by the consulting  
5 pharmacist, the professional director, and the clinic  
6 administrator.

7 ~~(b) These policies and procedures shall include a written~~  
8 ~~description of the method used in developing and approving them~~  
9 ~~and any revision thereof.~~

10 ~~(e)~~ The dispensing of drugs in a clinic shall be performed only  
11 by a physician, a pharmacist, or other person lawfully authorized  
12 to dispense drugs, and only in compliance with all applicable  
13 laws and regulations.

14 *SEC. 10. Section 4182 of the Business and Professions Code*  
15 *is amended to read:*

16 4182. (a) Each clinic that makes an application for a license  
17 under Section 4180 shall show evidence that the professional  
18 director is responsible for the safe, orderly, and lawful provision  
19 of pharmacy services. In carrying out the professional director's  
20 responsibilities, a consulting pharmacist shall be retained to  
21 approve the policies and procedures in conjunction with the  
22 professional director and the administrator. In addition, the  
23 consulting pharmacist shall be required to visit the clinic  
24 regularly and at least quarterly. However, nothing in this section  
25 shall prohibit the consulting pharmacist from visiting more than  
26 quarterly to review the application of policies and procedures  
27 based on the agreement of all the parties approving the policies  
28 and procedures.

29 (b) The consulting pharmacist shall certify in writing ~~at least~~  
30 ~~twice a year~~ *quarterly* that the clinic is, or is not, operating in  
31 compliance with the requirements of this article, ~~and the most~~  
32 ~~recent of those written certifications shall be submitted with the~~  
33 ~~annual application for the renewal of a clinic license.~~ *Each*  
34 *completed written certification shall be kept on file in the clinic*  
35 *for three years and shall include recommended corrective*  
36 *actions, if appropriate.*

37 (c) For the purposes of this article, "professional director"  
38 means a physician *and surgeon* acting in his or her capacity as  
39 medical director *or a dentist or podiatrist acting in his or her*

1 *capacity as a director in a clinic where only dental or podiatric*  
2 *services are provided.*

3 *(d) Licensed clinics shall notify the board within 30 days of*  
4 *any change in professional director on a form furnished by the*  
5 *board.*

6 *SEC. 11. Section 4190 of the Business and Professions Code*  
7 *is amended to read:*

8 4190. (a) Notwithstanding any provision of this chapter, a  
9 surgical clinic, as defined in paragraph (1) of subdivision (b) of  
10 Section 1204 of the Health and Safety Code may purchase drugs  
11 at wholesale for administration or dispensing, under the direction  
12 of a physician, to patients registered for care at the clinic, as  
13 provided in subdivision (b). The clinic shall keep records of the  
14 kind and amounts of drugs purchased, administered, and  
15 dispensed, and the records shall be available and maintained for  
16 a minimum of ~~seven~~ *three* years for inspection by all properly  
17 authorized personnel.

18 (b) The drug distribution service of a surgical clinic shall be  
19 limited to the use of drugs for administration to the patients of  
20 the surgical clinic and to the dispensing of drugs for the control  
21 of pain and nausea for patients of the clinic. Drugs shall not be  
22 dispensed in an amount greater than that required to meet the  
23 patient's needs for 72 hours. Drugs for administration shall be  
24 those drugs directly applied, whether by injection, inhalation,  
25 ingestion, or any other means, to the body of a patient for his or  
26 her immediate needs.

27 (c) No surgical clinic shall operate without a license issued by  
28 the board nor shall it be entitled to the benefits of this section  
29 until it has obtained a license from the board. ~~Each license shall~~  
30 ~~be issued to a specific clinic and for a specific location. A~~  
31 *separate license shall be required for each clinic location. A*  
32 *clinic shall notify the board of any change in the clinic's address*  
33 *on a form furnished by the board.*

34 (d) *Any proposed change in ownership or beneficial interest in*  
35 *the licensee shall be reported to the board, on a form to be*  
36 *furnished by the board, at least 30 days prior to the execution of*  
37 *any agreement to purchase, sell, exchange, gift or otherwise*  
38 *transfer any ownership or beneficial interest or prior to any*  
39 *transfer of ownership or beneficial interest, whichever occurs*  
40 *earlier.*

SEC. 12. Section 4191 of the Business and Professions Code is amended to read:

4191. (a) Prior to the issuance of a clinic license authorized under this article, the clinic shall comply with all applicable laws and regulations of the State Department of Health Services and the board relating to drug distribution to insure that inventories, security procedures, training, protocol development, recordkeeping, packaging, labeling, dispensing, and patient consultation are carried out in a manner that is consistent with the promotion and protection of the health and safety of the public. ~~These policies and procedures shall include a written description of the method used to develop, approve, and revise those policies and procedures.~~ *The policies and procedures to implement the laws and regulations shall be developed and approved by the consulting pharmacist, the professional director, and the clinic administrator.*

(b) The dispensing of drugs in a clinic that has received a license under this article shall be performed only by a physician, a pharmacist, or other person lawfully authorized to dispense drugs, and only in compliance with all applicable laws and regulations.

SEC. 13. Section 4192 of the Business and Professions Code is amended to read:

4192. (a) Each clinic that makes an application for a license under this article shall show evidence that the professional director is responsible for the safe, orderly, and lawful provision of pharmacy services. *In carrying out the professional director's responsibilities, a consulting pharmacist shall be retained to approve the policies and procedures in conjunction with the professional director and the administrator. In addition, the consulting pharmacist shall be required to visit the clinic regularly and at least quarterly. However, nothing in this section shall prohibit the consulting pharmacist from visiting more than quarterly to review the application of policies and procedures based on the agreement of all the parties approving the policies and procedures.*

(b) *The consulting pharmacist shall certify in writing quarterly that the clinic is, or is not, operating in compliance with the requirements of this article. Each completed written certification*

1 shall be kept on file in the clinic for three years and shall include  
2 recommended corrective actions, if appropriate.

3 (c) For the purposes of this article, “professional director”  
4 means a physician and surgeon acting in his or her capacity as  
5 medical director or a dentist or podiatrist acting in his or her  
6 capacity as a director in a clinic where only dental or podiatric  
7 services are provided.

8 (d) Licensed clinics shall notify the board within 30 days of  
9 any change in professional director on a form furnished by the  
10 board.

11 SEC. 14. Section 4507 of the Business and Professions Code  
12 is amended to read:

13 4507. This chapter shall not apply to the following:

14 (a) Physicians and surgeons licensed pursuant to Chapter 5  
15 (commencing with Section 2000) ~~of Division 2.~~

16 (b) Psychologists licensed pursuant to Chapter 6.6  
17 (commencing with Section 2900) ~~of Division 2.~~

18 (c) Registered nurses licensed pursuant to Chapter 6  
19 (commencing with Section 2700) ~~of Division 2.~~

20 (d) Vocational nurses licensed pursuant to Chapter 6.5  
21 (commencing with Section 2840) ~~of Division 2.~~

22 (e) Social workers or clinical social workers licensed pursuant  
23 to Chapter 17 (commencing with Section 9000) ~~of Division 3 14~~  
24 ~~(commencing with Section 4990).~~

25 (f) Marriage and family therapists licensed pursuant to Chapter  
26 13 (commencing with Section 4980) of Division 2.

27 (g) Teachers credentialed pursuant to Chapter ~~1.5 2~~  
28 ~~(commencing with Section 13101) 44200~~ of Division ~~10 3~~ of the  
29 Education Code.

30 (h) Occupational therapists as specified in Chapter 5.6  
31 (commencing with Section 2570) ~~of Division 2.~~

32 (i) Art therapists, dance therapists, music therapists, and  
33 recreation therapists, as defined in Division 5 (commencing with  
34 Section 70001) of Title 22 of the California ~~Administrative Code~~  
35 ~~of Regulations~~, who are personnel of health facilities licensed  
36 pursuant to Chapter 2 (commencing with Section 1250) of  
37 Division 2 of the Health and Safety Code.

38 (j) Any other categories of persons the board determines are  
39 entitled to exemption from this chapter because they have  
40 complied with other licensing provisions of this code or because

they are deemed by statute or by regulations contained in the California ~~Administrative Code~~ *of Regulations* to be adequately trained in their respective occupations. The exemptions shall apply only to a given specialized area of training within the specific discipline for which the exemption is granted.

SEC. 15. *Section 4546 of the Business and Professions Code is amended to read:*

4546. The board shall report each month to the Controller the amount and source of all revenue received by it pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Vocational Nursing and Psychiatric Technicians Fund. ~~The board shall not maintain a reserve balance greater than three months of the appropriated operating expenditures of the board in any fiscal year.~~

SEC. 16. *Section 4548 of the Business and Professions Code is amended to read:*

4548. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions shall be according to the following schedule:

(a) The fee to be paid upon the filing of an application shall be in an amount not less than one hundred dollars (\$100), and may be fixed by the board at an amount no more than one hundred fifty dollars (\$150).

(b) The fee to be paid for taking each examination shall be the actual cost to purchase an examination from a vendor approved by the board.

(c) The fee to be paid for any examination after the first shall be in an amount of not less than one hundred dollars (\$100), and may be fixed by the board at an amount no more than one hundred fifty dollars (\$150).

(d) The biennial renewal fee to be paid upon the filing of an application for renewal shall be in an amount not less than ~~two hundred forty dollars (\$240)~~ *two hundred dollars (\$200)*, and may be fixed by the board at an amount no more than three hundred dollars (\$300).

(e) Notwithstanding Section 163.5, the delinquency fee for failure to pay the biennial renewal fee within the prescribed time shall be in an amount not less than ~~one hundred twenty dollars (\$120)~~ *one hundred dollars (\$100)* and may be fixed by the

board at not more than 50 percent of the regular renewal fee and in no case more than one hundred fifty dollars (\$150).

(f) The initial license fee is an amount equal to the biennial renewal fee in effect on the date the application for the license is filed.

(g) The fee to be paid for an interim permit shall be in an amount no less than twenty dollars (\$20) and may be fixed by the board at an amount no more than fifty dollars (\$50).

(h) The fee to be paid for a duplicate license shall be in an amount not less than twenty dollars (\$20) and may be fixed by the board at an amount no more than fifty dollars (\$50).

(i) The fee to be paid for processing endorsement papers to other states shall be in an amount not less than twenty dollars (\$20) and may be fixed by the board at an amount no more than fifty dollars (\$50).

(j) The fee to be paid for postlicensure certification in blood withdrawal shall be in an amount not less than twenty dollars (\$20) and may be fixed by the board at an amount no more than fifty dollars (\$50).

(k) The biennial fee to be paid upon the filing of an application for renewal for a provider of an approved continuing education course or a course to meet the certification requirements for blood withdrawal shall be in an amount not less than one hundred fifty dollars (\$150), and may be fixed by the board at an amount no more than two hundred dollars (\$200).

*SEC. 17. Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code is repealed.*

*SEC. 18. Chapter 13 (commencing with Section 4980) is added to Division 2 of the Business and Professions Code, to read:*

### *CHAPTER 13. MARRIAGE AND FAMILY THERAPISTS*

#### *Article 1. General*

*4980. This chapter shall be known and may be cited as the Marriage and Family Therapist Practice Act.*

*4980.01. (a) Many families and individuals in California are experiencing difficulty and distress and are in need of wise, competent, caring, compassionate, and effective counseling in*

1 *order to enable them to improve and maintain healthy family*  
2 *relationships.*

3 *(b) Healthy individuals, healthy families, and healthy*  
4 *relationships are inherently beneficial and crucial to a healthy*  
5 *society and are our most precious and valuable natural resource.*  
6 *Marriage and family therapists provide a crucial support for the*  
7 *well being of the people and the State of California.*

8 *4980.02. The following definitions apply for purposes of this*  
9 *chapter:*

10 *(a) "Advertise," includes, but is not limited to, the issuance of*  
11 *any card, sign, or device to any person or the causing,*  
12 *permitting, or allowing of any sign or marking on, or in, any*  
13 *building or structure or in any newspaper or magazine or in any*  
14 *directory or in any printed matter whatsoever, with or without*  
15 *any limiting qualification. It also includes business solicitations*  
16 *communicated by radio or television broadcasting. Signs within*  
17 *church buildings or notices in church bulletins mailed to a*  
18 *congregation shall not be construed as advertising within the*  
19 *meaning of this chapter.*

20 *(b) "Approved by the Bureau for Private Postsecondary and*  
21 *Vocational Education" means unconditional approval of an*  
22 *educational institution existing at the time the applicant for*  
23 *registration or licensure graduated from the institution.*

24 *(c) "Board" means the Board of Behavioral Sciences.*

25 *(d) "Experience" means that obtained in interpersonal*  
26 *relationships, psychotherapy, marriage and family therapy, and*  
27 *professional enrichment activities that satisfies the requirements*  
28 *for licensure under this chapter and as further defined by the*  
29 *board in regulations.*

30 *(e) "Intern," means a person who is registered under this*  
31 *chapter.*

32 *(f) "Moscone-Knox Professional Corporation Act" means*  
33 *those provisions in Part 4 (commencing with Section 13400) of*  
34 *Division 3 of Title 1 of the Corporations Code.*

35 *(g) "Professional enrichment activities" includes workshops,*  
36 *seminars, training sessions, or conferences directly related to*  
37 *marriage and family therapy attended by a trainee, intern, or*  
38 *applicant for registration or licensure and approved by his or*  
39 *her supervisor.*

1     (h) “Trainee,” means an unlicensed person who is currently  
2     enrolled in a master’s or doctoral degree program that is  
3     designed to qualify him or her for licensure under this chapter;  
4     and who has completed not less than 12 semester units or 18  
5     quarter units of coursework in that program.

6     4980.03. The board shall administer and enforce the  
7     provisions of this chapter.

8     4980.04. (a) The practice of marriage and family therapy is  
9     a service performed with individuals, couples, or groups wherein  
10    interpersonal relationships are examined for the purpose of  
11    achieving more adequate, satisfying, and productive marriage  
12    and family adjustments. This practice includes relationship and  
13    premarriage counseling.

14    (b) The application of marriage and family therapy principles  
15    and methods includes, but is not limited to, the use of applied  
16    psychotherapeutic techniques to enable individuals to mature  
17    and grow within marriage and the family, the provision of  
18    explanations and interpretations of the psychosexual and  
19    psychosocial aspects of relationships, and the use, application,  
20    and integration of the coursework and training required by this  
21    chapter.

22    4980.05. (a) Nothing in this chapter shall be construed to  
23    constrict, limit, or withdraw the Medical Practice Act (Chapter 5  
24    (commencing with Section 2000)), the Nursing Practice Act  
25    (Chapter 6 (commencing with Section 2700)), the Psychology  
26    Licensing Law (Chapter 6.6 (commencing with Section 2900)),  
27    the Educational Psychologist Practice Act (Chapter 13.5  
28    (commencing with Section 4987)), or the Clinical Social Worker  
29    Practice Act (Chapter 14 (commencing with Section 4990)).

30    (b) This chapter shall not apply to any priest, rabbi, or  
31    minister of the gospel of any religious denomination when  
32    performing counseling services as part of his or her pastoral or  
33    professional duties or to any person who is admitted to practice  
34    law in a state or who is licensed to practice medicine when  
35    providing counseling services as part of his or her professional  
36    practice.

37    (c) This chapter shall not apply to an employee of a  
38    governmental entity or of a school, college, or university or of an  
39    institution both nonprofit and charitable if his or her practice is  
40    performed solely under the supervision of the entity, school,

1 college, university, or institution employing him or her, and those  
2 functions are performed pursuant to his or her employment.

3 (d) Notwithstanding subdivisions (b) and (c), all persons  
4 registered as interns or licensed under this chapter shall not be  
5 exempt from this chapter or the jurisdiction of the board.

6 4980.06. (a) The title “licensed marriage, family and child  
7 counselor” or “marriage, family and child counselor” is hereby  
8 renamed “licensed marriage and family therapist” or “marriage  
9 and family therapist,” respectively. Any reference in any statute  
10 or regulation to a “licensed marriage, family and child  
11 counselor” or “marriage, family and child counselor” shall be  
12 deemed a reference to a “licensed marriage and family  
13 therapist” or “marriage and family therapist.”

14 (b) Nothing in this section shall be construed to expand or  
15 constrict the scope of practice of a person licensed pursuant to  
16 this chapter.

17  
18 Article 2. Registration and Licensure  
19

20 4981. (a) The Legislature acknowledges that the basic  
21 obligation to provide a complete and accurate application for a  
22 marriage and family therapist license is the responsibility of the  
23 applicant. At the same time, the Legislature recognizes that an  
24 effort should be made by the board to ensure that persons who  
25 enter degree programs and supervisory training settings that  
26 meet the requirements of this chapter are enabled to discern the  
27 requirements for licensure and to take the examination when they  
28 have completed the educational and experience requirements.

29 (b) In order that the board, the educational institutions, and  
30 the supervisors of the education and experience of applicants for  
31 licensure may develop greater cooperation, the board shall take  
32 all of the following actions:

33 (1) Apply a portion of its limited resources specifically to the  
34 task of communicating information about its activities, the  
35 requirements and qualifications for licensure, and the practice of  
36 marriage and family therapy to the relevant educational  
37 institutions, supervisors, professional associations, applicants,  
38 trainees, interns, and the consuming public.

39 (2) Develop policies and procedures to assist educational  
40 institutions in meeting the curricula requirements of Section

1 4981.02 and any regulations adopted pursuant to it, so that those  
2 educational institutions may better provide assurance to their  
3 students that the curriculum offered to fulfill the educational  
4 requirements for licensure will meet those requirements at the  
5 time of the student's application for licensure.

6 (3) Notify applicants in the application procedure when  
7 applications are incomplete, inaccurate, or deficient and inform  
8 applicants of any remediation, reconsideration, or appeal  
9 procedures that may be applicable.

10 4981.01. (a) A person who has completed the educational  
11 requirements described in Section 4981.02 shall apply to the  
12 board for registration as an intern and submit the fee for intern  
13 registration. The applicant shall also submit certification of his  
14 or her completion of the educational requirements from the  
15 institution he or she attended.

16 (b) An intern shall apply to the board to renew his or her  
17 registration annually. The application shall include payment of  
18 the registration renewal fee and notification as to whether the  
19 intern has been convicted, as defined in Section 490, of a  
20 misdemeanor or felony and whether any disciplinary action has  
21 been taken by a regulatory or licensing board in this or any other  
22 state subsequent to the issuance or prior renewal of the  
23 registration.

24 (c) The board shall not renew an intern registration more than  
25 five times. Upon expiration of the fifth renewal period, an intern  
26 shall not continue to provide services as an intern but may apply  
27 to the board for a new registration if he or she satisfies the  
28 educational requirements in effect at that time for registration.  
29 Notwithstanding any other provisions of law, an intern who  
30 obtains a new registration pursuant to this subdivision shall not  
31 be employed or volunteer in a private practice setting.

32 4981.02. An applicant for registration shall comply with one  
33 of the following requirements:

34 (a) (1) Possess a master's or doctoral degree from a school,  
35 college, or university accredited by the Western Association of  
36 Schools and Colleges or approved by the Bureau for Private  
37 Postsecondary and Vocational Education in one of the following  
38 subjects:

39 (A) Marriage, family, and child counseling.

40 (B) Marital and family therapy.

1 (C) *Psychology.*

2 (D) *Clinical psychology.*

3 (E) *Counseling psychology.*

4 (F) *Counseling with an emphasis in either marriage, family,*  
5 *and child counseling or marriage and family therapy.*

6 (2) *The program granting the degree described in paragraph*  
7 *(1) shall consist of a single, integrated program primarily*  
8 *designed to train marriage and family therapists and an*  
9 *integrated course of study and appropriate professional training*  
10 *in the treatment of mental disorders, while allowing for*  
11 *innovation and individuality in the education of marriage and*  
12 *family therapists. At minimum, the program shall require 48*  
13 *semester units or 72 quarter units of instruction that includes the*  
14 *following components:*

15 (A) *Not less than 12 semester units or 18 quarter units of*  
16 *coursework in the areas of marriage, family, and child*  
17 *counseling and marital and family systems approaches to*  
18 *treatment in addition to the practicum specified in subparagraph*  
19 *(B).*

20 (B) *Not less than six semester units or nine quarter units of*  
21 *practicum in a supervised clinical placement that provides*  
22 *supervised fieldwork experience, including a minimum of 150*  
23 *hours of face-to-face experience counseling individuals, couples,*  
24 *families, or groups within the scope of practice of a marriage*  
25 *and family therapist in the following areas:*

26 (i) *Applied psychotherapeutic techniques.*

27 (ii) *Assessment.*

28 (iii) *Diagnosis.*

29 (iv) *Prognosis.*

30 (v) *Treatment of individuals and premarital, couple, family,*  
31 *and child relationships including dysfunctions, healthy*  
32 *functioning, health promotion, and illness prevention.*

33 (C) *Coursework in the salient theories of a variety of*  
34 *psychotherapeutic orientations directly related to marriage and*  
35 *family therapy and marital and family systems approaches to*  
36 *treatment.*

37 (D) *Coursework in theories of marriage and family therapy*  
38 *and the ways in which they can be utilized in order to intervene*  
39 *therapeutically with couples, families, adults, children, and*  
40 *groups.*

1 (E) Training in the diagnosis, assessment, prognosis, and  
2 treatment of mental disorders.

3 (F) Coursework in developmental issues and life events from  
4 infancy to old age and their effect upon individuals, couples, and  
5 family relationships. This may include coursework that focuses  
6 on specific family life events and the psychological,  
7 psychotherapeutic, and health implications that arise within  
8 couples and families, including, but not limited to, childbirth,  
9 child rearing, childhood, adolescence, adulthood, marriage,  
10 divorce, blended families, stepparenting, and geropsychology.

11 (G) Coursework in a variety of approaches to the treatment of  
12 children.

13 (H) Specific training in the application of marriage and family  
14 relationship counseling principles and methods.

15 (I) A variety of effective psychotherapeutic techniques and  
16 modalities that may be utilized to improve, restore, or maintain  
17 healthy individual, couple, and family relationships.

18 (J) Cross-cultural mores and values, including a familiarity  
19 with the wide range of racial and ethnic backgrounds common  
20 among California's population, including, but not limited to,  
21 African-Americans, Hispanics, Asians, and Native Americans.

22 (K) The broad range of matters that may arise within  
23 marriage and family relationships.

24 (L) Specific instruction in alcoholism and other chemical  
25 substance dependency as specified by regulation.

26 (M) Encouragement to develop personal qualities that are  
27 intimately related to the counseling situation such as integrity,  
28 sensitivity, flexibility, insight, compassion, and personal  
29 presence.

30 (N) Permitting an emphasis or specialization that may address  
31 any one or more of the unique and complex array of human  
32 problems, symptoms, and needs of Californians served by  
33 marriage and family therapists.

34 (3) For a person who began graduate study on or after  
35 January 1, 1995, the coursework described in paragraph (2)  
36 shall also include coursework in spousal or partner abuse  
37 assessment, detection, and intervention strategies, including  
38 knowledge of community resources, cultural factors, and same  
39 gender abuse dynamics. Coursework taken in fulfillment of other  
40 educational requirements may, at the discretion of the board,

1 *fulfill the requirements of this paragraph. The applicant shall*  
2 *submit to the board a certification from the educational*  
3 *institution stating that the required coursework is included within*  
4 *the institution's required curriculum for graduation or within the*  
5 *coursework that was completed by the applicant.*

6 *(4) (A) For a person who began graduate study on or after*  
7 *January 1, 2001, the coursework described in paragraph (2)*  
8 *shall also include the following:*

9 *(i) A minimum of a two semester unit or three quarter unit*  
10 *survey course in psychological testing.*

11 *(ii) A two semester or three quarter unit survey course in*  
12 *psychopharmacology.*

13 *(B) The requirements added by this paragraph are intended to*  
14 *improve the educational qualifications to better prepare future*  
15 *licentiates for practice and are not intended in any way to*  
16 *expand or restrict the scope of licensure for marriage and family*  
17 *therapists.*

18 *(5) For a person who began graduate study on or after*  
19 *January 1, 2004, the coursework described in paragraph (3)*  
20 *shall also include a minimum of 15 contact hours of coursework.*  
21 *All other provisions of that paragraph apply with regard to*  
22 *satisfying this requirement.*

23 *(b) Posses a master's or doctoral degree granted by a*  
24 *program approved by the Commission on Accreditation for*  
25 *Marriage and Family Therapy Education.*

26 *(c) Possess a degree from an educational institution located in*  
27 *a state outside of California that is not accredited by the Western*  
28 *Association of Schools and Colleges or approved by the Bureau*  
29 *for Private Postsecondary and Vocational Education that*  
30 *otherwise complies with the requirements of subdivision (a) as*  
31 *determined by the board. The degree title and number of units*  
32 *required for its issuance are not required to be identical to those*  
33 *described in subdivision (a).*

34 *(d) Possess a degree from an educational institution located*  
35 *outside of the United States that the applicant demonstrates to*  
36 *the board's satisfaction is equivalent to a degree earned from a*  
37 *school or educational institution accredited by the Western*  
38 *Association of Schools and Colleges or approved by the Bureau*  
39 *for Private Postsecondary and Vocational Education. The*  
40 *applicant shall provide the board with a comprehensive*

1 *evaluation of the degree performed by a foreign credential*  
2 *evaluation service that is a member of the National Association*  
3 *of Credential Evaluation Services and shall provide any other*  
4 *documentation the board deems necessary.*

5 *4981.03. Educational institutions are encouraged to design*  
6 *the practicum required by subparagraph (B) of paragraph (2) of*  
7 *subdivision (a) of Section 4981.02 to include experience in*  
8 *low-income and multicultural mental health settings.*

9 *4981.04. (a) An applicant for licensure shall submit an*  
10 *application to the board, along with payment of the licensure*  
11 *fees.*

12 *(b) The applicant shall submit evidence of satisfaction of the*  
13 *following:*

14 *(1) Attainment of 18 years of age.*

15 *(2) Completion of the educational requirements described in*  
16 *Section 4981.05. The applicant shall submit certification of*  
17 *completion of this requirement from the educational institution*  
18 *he or she attended.*

19 *(3) Completion of a minimum of 3,000 hours of experience as*  
20 *described in Section 4981.08. If an applicant obtained hours of*  
21 *experience while enrolled in an institution other than the one that*  
22 *conferred his or her degree, the applicant shall provide to the*  
23 *board satisfactory evidence that those hours of experience were*  
24 *obtained in compliance with this article.*

25 *(4) (A) A passing score on a board-administered written or*  
26 *oral examination or on both examinations.*

27 *(B) Notwithstanding subparagraph (A), an applicant who*  
28 *obtained a passing score on the written examination and who has*  
29 *not taken or obtained a passing score on an oral examination*  
30 *shall be required to take and obtain a passing score on a clinical*  
31 *vignette written examination.*

32 *4981.05. An applicant for licensure shall satisfy either of the*  
33 *following educational requirements:*

34 *(a) Possess a master's or doctoral degree that complies with*  
35 *the requirements of subdivision (a) of Section 4981.02 and*  
36 *completion of the following additional requirements:*

37 *(1) A minimum of seven contact hours of training or*  
38 *coursework in child abuse assessment and reporting as specified*  
39 *in Section 28 and any regulations promulgated under that*  
40 *section.*

1     (2) A minimum of 10 contact hours of training or coursework  
2     in human sexuality as specified in Section 25 and any regulations  
3     promulgated under that section. If coursework in a master's or  
4     doctoral degree program is acquired to satisfy this requirement,  
5     it shall be considered as part of the 48 semester unit or 72  
6     quarter unit requirement described in paragraph (2) of  
7     subdivision (a) of Section 4981.02.

8     (3) A minimum of two semester units or three quarter units in  
9     California law and professional ethics for marriage and family  
10    therapists, which shall include, but not be limited to, the  
11    following areas of study:

12    (A) Contemporary professional ethics and statutory,  
13    regulatory, and decisional laws that delineate the profession's  
14    scope of practice.

15    (B) The therapeutic, clinical, and practical considerations  
16    involved in the legal and ethical practice of marriage and family  
17    therapy, including family law.

18    (C) The current legal patterns and trends in the mental health  
19    profession.

20    (D) The psychotherapist-patient privilege, confidentiality, the  
21    patient dangerous to self or others provisions, and the treatment  
22    of minors with and without parental consent.

23    (E) A recognition and exploration of the relationship between  
24    a practitioner's sense of self and human values and his or her  
25    professional behavior and ethics.

26    (4) For an applicant who began graduate study on or after  
27    January 1, 2004, a minimum of 10 contact hours of coursework  
28    in aging and long-term care, which may include, but not be  
29    limited to, the biological, social, and psychological aspects of  
30    aging. Coursework taken in fulfillment of other educational  
31    requirements for licensure may, at the discretion of the board,  
32    fulfill the requirements of this paragraph. The applicant shall  
33    submit to the board certification from the educational institution  
34    stating that the coursework is included within the institution's  
35    required curriculum for graduation or within the coursework  
36    that was completed by the applicant.

37    (b) Possess a degree that complies with the requirements of  
38    subdivision (b), (c), or (d) of Section 4981.02.

39    4981.06. (a) Each educational institution preparing a  
40    student to qualify for licensure shall notify the student, by means

1 of public documents or otherwise in writing, that its degree  
2 program is designed to meet the requirements of this chapter and  
3 shall certify to the board that it has so notified its students.

4 (b) Each educational institution preparing an applicant for  
5 licensure pursuant to this chapter shall consider requiring, and  
6 shall encourage, its students to undergo individual, marital, or  
7 conjoint family or group counseling or psychotherapy, as  
8 appropriate. Each supervisor shall consider, advise, and  
9 encourage his or her interns and trainees regarding the  
10 advisability of undertaking individual, marital or conjoint,  
11 family, or group counseling or psychotherapy, as appropriate.  
12 Insofar as it is deemed appropriate and is desired by the  
13 applicant, the educational institution and supervisor are  
14 encouraged to assist the applicant in locating that counseling or  
15 psychotherapy at a reasonable cost.

16 4981.07. The board has the authority to make the final  
17 determination as to whether a degree meets all of the  
18 requirements of this article regardless of the accreditation or  
19 approval of the educational institution that granted the degree.

20 4981.08. (a) Each applicant for licensure shall complete a  
21 minimum of 3,000 hours of experience during a period of, at  
22 minimum, 104 weeks, with not more than 40 hours completed  
23 during any seven consecutive weeks.

24 (b) The experience described in subdivision (a) shall consist of  
25 the following:

26 (1) Not less than 1,700 hours of experience completed  
27 subsequent to obtaining the master's or doctoral degree required  
28 by this article.

29 (2) Not more than 1,300 hours of experience obtained prior to  
30 obtaining the master's or doctoral degree required by this  
31 article. This experience shall consist of the following:

32 (A) Not more than 750 hours of counseling and direct  
33 supervisor contact.

34 (B) Not more than 250 hours of professional enrichment  
35 activities, excluding personal psychotherapy.

36 (C) Not more than 100 hours of personal psychotherapy. The  
37 applicant will be credited for three hours of experience for each  
38 hour of personal psychotherapy.

39 (3) Not more than 1,000 hours of direct supervisor contact  
40 and professional enrichment activities.

1     (4) *Not more than 500 hours of experience providing group*  
2 *therapy or group counseling.*

3     (5) *Not more than 250 hours of experience administering and*  
4 *evaluating psychological tests of patients or clients, writing*  
5 *clinical reports, or writing progress or process notes.*

6     (6) *Not more than 250 hours of experience providing*  
7 *counseling or crisis counseling on the telephone.*

8     (7) *Not less than 500 total hours of experience in diagnosing*  
9 *and treating couples, families, and children.*

10    (c) *The following experience shall not count towards satisfying*  
11 *the experience requirement described in subdivision (a):*

12     (1) *Experience, other than personal psychotherapy, obtained*  
13 *by the applicant before completing either 12 semester units or 18*  
14 *quarter units of graduate instruction.*

15     (2) *Experience, other than a maximum of 500 hours of clinical*  
16 *experience in the practicum required by subparagraph (B) of*  
17 *paragraph (2) of subdivision (a) of Section 4981.02, obtained by*  
18 *the applicant more than six years before the filing date of his or*  
19 *her application for licensure.*

20    4981.09. (a) *No hours of experience obtained prior to*  
21 *registration as an intern shall count towards the hours of*  
22 *postgraduate experience described in paragraph (1) of*  
23 *subdivision (b) of Section 4981.08.*

24     (b) *Notwithstanding subdivision (a), if a person applies for*  
25 *intern registration within 90 days of obtaining a degree that*  
26 *complies with Section 4981.02 and thereafter is issued the*  
27 *registration, postgraduate experience, other than that obtained in*  
28 *a private practice setting, that meets the requirements of this*  
29 *article shall count toward satisfying the postgraduate degree*  
30 *experience described in paragraph (1) of subdivision (b) of*  
31 *Section 4981.08.*

32    4981.10. *A trainee may obtain experience outside of the*  
33 *practicum described in subparagraph (B) of paragraph (2) of*  
34 *subdivision (a) of Section 4981.02 if that experience otherwise*  
35 *complies with the requirements of this article. All hours of*  
36 *experience obtained by a trainee shall be coordinated between*  
37 *the educational institution he or she attends and the site where*  
38 *the experience is obtained by the trainee. The educational*  
39 *institution shall approve each site and shall have a written*  
40 *agreement with the site that details each party's responsibilities,*

1 including the methods by which supervision shall be provided to  
2 the trainee. The agreement shall provide for regular progress  
3 reports and evaluations of the trainee's performance at the site.

4 4981.11. (a) All experience required by Section 4981.08  
5 shall be performed under the supervision of a supervisor who  
6 meets the following requirements:

7 (1) He or she has been licensed in California for at least two  
8 years as a marriage and family therapist, licensed clinical social  
9 worker, or licensed psychologist, or as a physician and surgeon  
10 certified in psychiatry by the American Board of Psychiatry and  
11 Neurology. A supervisor who is licensed and providing  
12 supervision in another state that does not issue a marriage and  
13 family therapist license or similarly-titled license shall have held  
14 a clinical membership in the American Association of Marriage  
15 and Family Therapists for at least two years and maintain the  
16 membership throughout the period of supervision.

17 (2) He or she has not provided therapeutic services to the  
18 trainee or intern.

19 (3) His or her license is current and valid and not under  
20 suspension or probation.

21 (4) He or she complies with supervision requirements  
22 established by board regulations.

23 (b) The supervisor shall be responsible for ensuring that the  
24 quality of counseling performed by the person he or she  
25 supervises is consistent with that person's training and  
26 experience, and the supervisor shall be responsible to the board  
27 for complying with all laws, rules, and regulation governing the  
28 practice of marriage and family therapy.

29 (c) No supervisor may supervise or employ, at any one time,  
30 more than two registered interns.

31 (d) A marriage and family therapy corporation may employ, at  
32 any one time, not more than two registered interns for each  
33 employee or shareholder who satisfies the requirements for a  
34 supervisor in this section, and in no event shall employ, at any  
35 one time, more than 10 registered interns. The supervisor shall  
36 be employed full-time by the professional corporation and shall  
37 be actively engaged in performing professional services at, and  
38 for, the professional corporation. Employment and supervision  
39 within a marriage and family therapy corporation shall be

1 *subject to all laws and regulations governing experience and*  
2 *supervision obtained in a private practice setting.*

3 *(e) “Supervision,” for the purpose of this section, includes all*  
4 *of the following activities:*

5 *(1) Ensuring that the extent, kind, and quality of counseling*  
6 *performed is consistent with the education, training, and*  
7 *experience of the person being supervised.*

8 *(2) Reviewing client or patient records and monitoring and*  
9 *evaluating assessment, diagnosis, and treatment decisions of the*  
10 *person being supervised.*

11 *(3) Monitoring and evaluating the ability of the person being*  
12 *supervised to provide services at the site where he or she will be*  
13 *practicing and to provide services to the particular clientele*  
14 *being served.*

15 *(4) Ensuring compliance with laws and regulations governing*  
16 *the practice of marriage and family therapy.*

17 *(5) Direct observation or review of audio or video tapes of*  
18 *therapy, as deemed appropriate by the supervisor.*

19 *4981.12. (a) The experience required by Section 4981.08*  
20 *may be obtained in the capacity of an employee or volunteer but*  
21 *not as an independent contractor. A trainee, intern, or applicant*  
22 *for registration or licensure shall be considered an employee and*  
23 *not a private contractor if he or she receives not more than five*  
24 *hundred dollars (\$500) each month as reimbursement for*  
25 *expenses actually incurred while obtaining experience in a*  
26 *setting that complies with the requirements of this article. The*  
27 *trainee, intern, or applicant for registration or licensure shall*  
28 *have the burden of demonstrating during any audit conducted by*  
29 *the board that payments received by him or her were*  
30 *reimbursement for expenses. The requirements of this chapter*  
31 *apply equally to experience obtained in the capacity of an*  
32 *employee or volunteer.*

33 *(b) Experience may be obtained by a trainee or intern solely*  
34 *as part of the position for which he volunteers or is employed.*

35 *(c) No trainee, intern, or applicant for registration or*  
36 *licensure shall receive any remuneration from a patient or client.*  
37 *Employers are encouraged to provide fair remuneration to*  
38 *interns.*

39 *4981.13. (a) The experience required by this article shall*  
40 *include, at minimum, one hour of direct supervisor contact each*

1 week in each work setting for which experience is obtained.  
2 “Direct supervisor contact” means, at minimum, one hour of  
3 one-on-one, individual face-to-face supervisor contact or two  
4 hours of face-to-face contact in a group of not more than eight  
5 persons. Not more than five hours of direct supervisor contact  
6 each week shall count towards the hours of experience required  
7 by Section 4981.08.

8 (b) A trainee shall receive an average of, at minimum, one  
9 hour of direct supervisor contact for every five hours of client  
10 contact in each setting where he or she obtains experience.

11 (c) An intern shall receive an average of one hour of direct  
12 supervisor contact for every 10 hours of client contact in each  
13 setting where he or she obtains experience.

14 4981.14. (a) Experience obtained by a trainee or intern in a  
15 setting that meets both of the following criteria may be counted  
16 towards the experience requirements described in Section  
17 4981.08:

18 (1) It lawfully and regularly provides mental health counseling  
19 or psychotherapy.

20 (2) It provides oversight to ensure that the work of the trainee  
21 or intern at the setting meets the experience and supervision  
22 requirements set forth in this article and is within the scope of  
23 practice for the profession as defined in Section 4980.04.

24 (b) A trainee shall not be employed or volunteer at a private  
25 practice owned by a licensed marriage and family therapist, a  
26 licensed psychologist, a licensed clinical social worker, a  
27 physician and surgeon, or a professional corporation of any of  
28 those licensed professions. Upon registration as an intern, an  
29 intern may be employed or volunteer at a private practice and  
30 shall be under the supervision of a supervisor who meets the  
31 criteria of Section 4981.11. The supervisor shall either be  
32 employed by, and practice at, the private practice where the  
33 intern volunteers or is employed or be an owner or shareholder  
34 of the private practice. During periods when the supervisor is on  
35 sick or vacation leave, alternative supervision may be provided  
36 by a person who meets the requirements of this subdivision.

37 (c) A trainee, intern, and applicant for registration or  
38 licensure shall perform services at the setting where his or her  
39 employer regularly conducts business, and he or she may also  
40 perform services at other locations if performed under the

1 *direction and control of his or her employer and supervisor and*  
2 *in compliance with the laws and regulations pertaining to*  
3 *supervision.*

4 *(d) No trainee, intern, or applicant for registration or*  
5 *licensure shall have a proprietary interest in his or her*  
6 *employer's business.*

7 *4981.15. An applicant for licensure shall apply to the board*  
8 *to take the licensure examinations and shall demonstrate to the*  
9 *board's satisfaction, compliance with the educational and*  
10 *experience requirements of this article. The applicant shall*  
11 *submit payment of the examination fees to the board and shall*  
12 *forfeit all examination fees he or she paid upon failure to appear*  
13 *at the examination.*

14 *4981.16. The licensure examination shall be given at least*  
15 *twice a year at a time and place and under supervision as the*  
16 *board may determine. The board shall examine the candidate*  
17 *with regard to his or her knowledge and professional skills and*  
18 *his or her judgment in the utilization of appropriate techniques*  
19 *and methods.*

20 *4981.17. (a) No applicant for licensure shall be eligible to*  
21 *participate in a clinical vignette written examination if he or she*  
22 *obtained a passing score on the standard written examination*  
23 *more than seven years prior to applying to take the clinical*  
24 *vignette written examination.*

25 *(b) An applicant who has failed to obtain a passing score on a*  
26 *standard or clinical vignette written examination may, within one*  
27 *year of the notification date of his or her failure, retake the*  
28 *examination as regularly scheduled without further application*  
29 *upon payment of the fee described in Section 4985.*

30 *4981.18. (a) The board shall not deny an applicant for*  
31 *licensure, who has submitted a complete application, admission*  
32 *to the licensure examinations required by this article if the*  
33 *applicant meets the educational and experience requirements of*  
34 *this article and has not committed any acts or engaged in any*  
35 *conduct that would constitute grounds to deny licensure.*

36 *(b) The board shall not deny an applicant for licensure, whose*  
37 *application is complete, admission to the standard written*  
38 *examination nor shall the board postpone or delay an applicant's*  
39 *standard written examination or delay informing the applicant of*  
40 *the results of the standard written examination solely upon the*

1 receipt by the board of a complaint alleging acts or conduct that  
2 would constitute grounds to deny licensure. If an applicant for  
3 licensure who has passed the standard written examination is the  
4 subject of a complaint or is under board investigation for acts or  
5 conduct that, if proven to be true, would constitute grounds for  
6 the board to deny licensure, the board shall permit the applicant  
7 to take the clinical vignette written examination for licensure but  
8 may withhold the results of the examination or notify the  
9 applicant that licensure will not be granted pending completion  
10 of the investigation. Notwithstanding Section 135, the board may  
11 deny an applicant for licensure who has previously failed either  
12 the standard written or clinical vignette written examination  
13 permission to retake either examination pending completion of  
14 the investigation of any complaints against the applicant.

15 (c) Nothing in this section shall prohibit the board from  
16 denying an applicant for licensure admission to an examination  
17 or from withholding the results of an examination or refusing to  
18 issue a license to an applicant if an accusation or statement of  
19 issues has been filed against the applicant pursuant to Sections  
20 11503 and 11504 of the Government Code, respectively, or the  
21 application for licensure has been denied in accordance with  
22 Section 485.

23 4981.19. Notwithstanding any other provision of law, the  
24 board may destroy all examination materials two years following  
25 the date of an examination.

26 4981.20. Notwithstanding any other provision of this article,  
27 the board may issue a license to a person who, at the time of  
28 application, possesses a license issued by a board of marriage  
29 counselors or examiners, marriage and family therapist  
30 examiners, or corresponding authority, as determined by the  
31 board, of another state if the person meets the following  
32 requirements:

33 (a) Has registered as an intern with the board and obtained, at  
34 minimum, 250 hours of supervised experience in direct  
35 counseling while an intern.

36 (b) Has had the license for, at minimum, a period of two years  
37 immediately preceding application for registration as an intern  
38 and has not been the subject of any disciplinary actions relating  
39 to the license.

1 (c) Has obtained a passing score on the licensure  
2 examinations described in this article.

3 (d) Paid the board the licensure fees.

4 4981.21. (a) The board may refuse to issue a registration or  
5 license to an applicant for unprofessional conduct, as described  
6 in Section 4984.

7 (b) The board shall not issue a registration or license to an  
8 applicant who meets any of the following criteria:

9 (1) He or she has committed an act or crime constituting  
10 grounds for denial of a license under Section 480.

11 (2) He or she has been convicted of a crime in this or another  
12 state or in a territory of the United States that involved sexual  
13 abuse of children.

14 (3) He or she is required to register pursuant to Section 290 of  
15 the Penal Code or its equivalent in another state.

16 (4) He or she is not a physician and surgeon and uses or offers  
17 to use drugs in the course of performing marriage and family  
18 therapy services.

19 4981.22. If an applicant meets all requirements of this article,  
20 the board shall issue a marriage and family therapy license to  
21 him or her in a form it deems appropriate.

22 4981.23. (a) The board shall set the expiration date for the  
23 initial license issued to an applicant. The license shall expire not  
24 more than 24 months after the issue date.

25 (b) To renew an unexpired license, the licensee, on or before  
26 the expiration date of the license, shall complete all of the  
27 following actions:

28 (1) Apply to the board to renew the license on a form it  
29 prescribes.

30 (2) Pay to the board a two-year renewal fee it prescribes.

31 (3) Certify compliance with the continuing education  
32 requirements set forth in Article 3 (commencing with Section  
33 4982).

34 (4) Notify the board whether he or she has been convicted, as  
35 defined in Section 490, of a misdemeanor or felony or whether  
36 any disciplinary action has been taken by a regulatory or  
37 licensing board in this or any other state subsequent to the  
38 issuance or prior renewal of his or her license.

39 (c) A licensee may renew a license that has expired at any time  
40 within five years after its expiration by filing an application with

1 *the board on a form it prescribes. The licensee shall also pay, as*  
2 *a condition precedent to renewal, the renewal fee that was in*  
3 *effect for each renewal during which his or her license was*  
4 *expired and the delinquency fee prescribed by this chapter.*

5 4981.24. (a) *A suspended license is subject to expiration and*  
6 *may be renewed as provided in this article.*

7 (b) *Notwithstanding subdivision (a), renewal of a suspended*  
8 *license does not entitle the licensee, during the time his or her*  
9 *license is suspended, to engage in an activity for which the*  
10 *license is required or in any other activity or conduct in violation*  
11 *of the order or judgment suspending the license.*

12 4981.25. *A revoked license is subject to expiration as*  
13 *provided in this article and shall not be renewed. If the license is*  
14 *reinstated after its expiration, the licensee shall, as a condition*  
15 *precedent to its reinstatement, pay a reinstatement fee equal to*  
16 *the renewal fee in effect on the last regular renewal date before*  
17 *the reinstatement date and any delinquency fee that had accrued*  
18 *at the time of revocation of the license.*

19 4981.26. (a) *A license that is not renewed within five years*  
20 *after its expiration shall not be renewed, restored, reinstated, or*  
21 *reissued thereafter.*

22 (b) *Notwithstanding subdivision (a), a person may apply to the*  
23 *board and obtain a new license if the following conditions are*  
24 *satisfied:*

25 (1) *No fact, circumstance, or condition exists that, if the*  
26 *license were issued, would justify its revocation or suspension.*

27 (2) *The applicant pays the fees that would be required if he or*  
28 *she were applying for a license for the first time.*

29 (3) *The applicant takes and passes the current licensing*  
30 *examinations as described in this article.*

31 4981.27. (a) *A licensee may apply to the board to request*  
32 *that his or her license be placed on inactive status.*

33 (b) *A licensee shall be exempt from satisfying the continuing*  
34 *education requirements described in Article 3 (commencing with*  
35 *Section 4982) while his or her license is inactive but shall be*  
36 *subject to the other provisions of this chapter.*

37 (c) *A licensee shall not engage in the practice of marriage and*  
38 *family therapy in this state while his or her license is inactive.*

39 (d) *A licensee shall pay one-half of the amount of the renewal*  
40 *fee to renew his or her license while it is inactive.*

(e) A licensee who has not committed any acts or crimes constituting grounds for denial of licensure may request that the board restore his or her license to active status. A licensee requesting that his or her license be restored to active status at any time between a renewal cycle shall pay the remaining one-half of the renewal fee. A licensee shall complete 18 hours of continuing education if his or her license expires less than 12 months from the date of his or her request to restore the license to active status. A licensee shall complete 36 hours of continuing education if his or her license expires 12 or more months from the date of his or her request to restore the license to active status.

### Article 3. Continuing Education

4982. The Legislature recognizes that the education and experience requirements of Article 2 (commencing with Section 4981) constitute only minimal requirements to assure that an applicant is prepared and qualified to take the licensure examinations described in that article and, if he or she passes those examinations, to begin practice as a marriage and family therapist. In order to continuously improve the competence of licensed marriage and family therapists and as a model for all psychotherapeutic professions, the Legislature encourages all licensees to regularly engage in continuing education related to the profession or scope of practice as defined in this chapter.

4982.01. (a) The board shall not renew a license pursuant to this chapter unless the licensee certifies to the board, on a form it prescribes, that he or she has completed in the preceding two years not less than 36 hours of approved continuing education in, or relevant to, the field of marriage and family therapy, as determined by the board.

(b) Notwithstanding subdivision (a), the board may establish exceptions from the continuing education requirements of this section for good cause, as defined by the board.

4982.02. (a) The continuing education required by Section 4982.01 shall be obtained from one of the following sources:

(1) An educational institution that meets the requirements of paragraph (1) of subdivision (a) of Section 4981.02.

1 (2) *Other continuing education providers approved by the*  
2 *board, including, but not limited to, a professional marriage and*  
3 *family therapist association, a licensed health facility, a*  
4 *governmental entity, a continuing education unit of an accredited*  
5 *four-year institution of higher learning, or a mental health*  
6 *professional association.*

7 (b) *The board shall establish, by regulation, a procedure for*  
8 *approving providers of continuing education courses, and all*  
9 *providers of continuing education shall adhere to procedures*  
10 *established by the board. The board may revoke or deny the right*  
11 *of a provider to offer continuing education coursework for*  
12 *failure to comply with the requirements of this article or any*  
13 *regulation adopted pursuant to this section.*

14 4982.03. *Continuing education shall include courses directly*  
15 *related to the diagnosis, assessment, and treatment of the client*  
16 *population served by a licensee and incorporate one or more of*  
17 *the following aspects of the discipline of marriage and family*  
18 *therapy:*

19 (a) *Those that are fundamental to the understanding of the*  
20 *practice of marriage and family therapy.*

21 (b) *Those in which significant recent developments have*  
22 *occurred.*

23 (c) *Those that enhance the understanding or the practice of*  
24 *marriage and family therapy.*

25 4982.04. (a) *A licensee who began graduate study prior to*  
26 *January 1, 2004, shall complete the following continuing*  
27 *education courses during the first renewal period of his or her*  
28 *license:*

29 (1) *Spousal or partner abuse assessment, detection, and*  
30 *intervention strategies, including community resources; cultural*  
31 *factors; and same gender abuse dynamics. On and after January*  
32 *1, 2005, the licensee shall complete a course consisting of, at*  
33 *minimum, seven hours of training. Equivalent courses taken in*  
34 *spousal or partner abuse assessment, detection, and intervention*  
35 *strategies or proof of equivalent teaching or practice experience*  
36 *may be submitted to the board and, at its discretion, may be*  
37 *accepted in satisfaction of the requirements of this paragraph.*

38 (2) *A three-hour course in aging and long-term care that*  
39 *includes, but is not limited to, the biological, social, and*  
40 *psychological aspects of aging and informational resources*

1 regarding long-term care, which includes a wide range of  
2 supportive health and social services for older adults and adults  
3 with disabilities in a variety of home-based and  
4 community-based settings. A licensee may satisfy the  
5 requirements of this paragraph by submitting a certificate to the  
6 board evidencing completion of equivalent courses in aging and  
7 long-term care or evidence of equivalent teaching or practice  
8 experience. The board, in its discretion, may accept that  
9 certification as meeting the requirements of this paragraph.

10 (b) The board may not renew a license until the licensee has  
11 complied with the requirements of this section.

12 (c) Continuing education courses taken pursuant to this  
13 section shall count towards the 36 hours of approved continuing  
14 education required by Section 4982.01.

15 4982.05. The board may audit the records of a licensee to  
16 verify completion of the continuing education requirement of this  
17 article. A licensee shall maintain records of the completion of  
18 required continuing education coursework for a minimum of two  
19 years from the completion date of the course and shall make  
20 these records available to the board for auditing purposes upon  
21 its request.

22 4982.06. The continuing education requirements of this  
23 article shall comply with the guidelines for mandatory continuing  
24 education established by the department pursuant to Section 166.

25 4982.07. The board shall fund the administration of this  
26 article through continuing education provider fees in an amount  
27 that is sufficient to meet, but not exceed, the costs of  
28 administering this article.

29  
30 *Article 4. Regulation*

31  
32 4983. (a) No person may engage in or offer to engage in, or  
33 hold himself or herself as able to engage in, the practice of  
34 marriage and family therapy, as defined in Section 4980.04,  
35 unless he or she holds a valid license as a marriage and family  
36 therapist or unless he or she is specifically exempted from that  
37 requirement, nor may any person advertise himself or herself as  
38 performing the services of a marriage, family, child, domestic, or  
39 marital consultant, or in any way use these or any similar titles,  
40 including the letters "M.F.T." or "M.F.C.C.," or other name,

1 word, initial, or symbol in connection with or following his or  
2 her name to imply that he or she performs these services without  
3 a license as provided by this chapter. “Engaging in the practice  
4 of marriage and family therapy” includes offering to perform  
5 services or holding oneself out as able to perform services that  
6 constitute marriage and family therapy as defined in Section  
7 4980.04 for remuneration of any kind, including donations.

8 (b) Notwithstanding subdivision (a), a person licensed under  
9 Chapter 6.6 (commencing with Section 2900) or Chapter 14  
10 (commencing with Section 4990) may engage in such practice or  
11 advertise that they practice marriage and family therapy but may  
12 not advertise that they hold a marriage and family therapist’s  
13 license.

14 4983.01. A licensee who conducts a private practice under a  
15 fictitious business name shall not use any name that is false,  
16 misleading, or deceptive, and shall inform the patient, prior to  
17 the commencement of treatment, of the name and license  
18 designation of the owner or owners of the practice.

19 4983.02. As a model for all therapeutic professions and to  
20 acknowledge respect and regard for the consuming public, all  
21 marriage and family therapists are encouraged to provide to  
22 each client, at an appropriate time and within the context of the  
23 psychotherapeutic relationship, an accurate and informative  
24 statement of the therapist’s experience, education, specialties,  
25 professional orientation, and any other information deemed  
26 appropriate by the licensee.

27 4983.03. The board may, by rules or regulations, adopt,  
28 amend, or repeal rules of advertising and professional conduct  
29 appropriate to the establishment and maintenance of a high  
30 standard of integrity in the profession, if the rules or regulations  
31 are not inconsistent with Section 4984. Every licensee shall be  
32 governed by the rules of professional conduct.

33 4983.04. A licensee or registrant shall give written notice to  
34 the board of a name change within 30 days after each change,  
35 giving both the old and new names. A copy of the legal document  
36 authorizing the name change, such as a court order or marriage  
37 certificate, shall be submitted with the notice.

38 4983.05. A licensee shall display his or her license in a  
39 conspicuous place in the licensee’s primary place of practice.

1     4983.06. (a) Notwithstanding Section 4983, a trainee, intern,  
2     and an applicant for registration or licensure may engage in the  
3     practice of marriage and family therapy to obtain experience  
4     required for licensure if those services are supervised and  
5     performed in compliance with the requirements of Article 2  
6     (commencing with Section 4981).

7     (b) A trainee shall be designated by the title “trainee”.

8     (c) A trainee and an intern shall inform each client or patient,  
9     prior to performing any professional services, that he or she is  
10    unlicensed and under the supervision of a licensed marriage and  
11    family therapist, licensed clinical social worker, or licensed  
12    psychologist, or a physician and surgeon certified in psychiatry  
13    by the American Board of Psychiatry and Neurology.

14    4983.07. All consideration, compensation, or remuneration  
15    received by the licensee shall be in relation to professional  
16    counseling services actually provided by the licensee. Nothing in  
17    this section shall prohibit collaboration among two or more  
18    licensees in a case. However, no fee shall be changed for that  
19    collaboration, except when disclosure of the fee has been made  
20    to the client.

#### 21                                   Article 5. Enforcement

22  
23  
24    4984. The board may suspend or revoke a license or  
25    registration for unprofessional conduct by a licensee or  
26    registrant. Unprofessional conduct includes, but is not limited to,  
27    the following:

28    (a) The conviction of a crime substantially related to the  
29    qualifications, functions, or duties of a licensee or registrant  
30    under this chapter. The record of conviction shall be conclusive  
31    evidence only of the fact that the conviction occurred. The board  
32    may inquire into the circumstances surrounding the commission  
33    of the crime in order to fix the degree of discipline or to  
34    determine if the conviction is substantially related to the  
35    qualifications, functions, or duties of a licensee or registrant  
36    under this chapter. A plea or verdict of guilty or a conviction  
37    following a plea of nolo contendere made to a charge  
38    substantially related to the qualifications, functions, or duties of  
39    a licensee or registrant under this chapter shall be deemed to be  
40    a conviction within the meaning of this section. The board may

1 *order any license or registration suspended or revoked, or may*  
2 *decline to issue a license or registration, when the time for*  
3 *appeal has elapsed or the judgment of conviction has been*  
4 *affirmed on appeal or when an order granting probation is made*  
5 *suspending the imposition of sentence, irrespective of a*  
6 *subsequent order under Section 1203.4 of the Penal Code*  
7 *allowing the person to withdraw a plea of guilty and enter a plea*  
8 *of not guilty or setting aside the verdict of guilty or dismissing*  
9 *the accusation, information, or indictment.*

10 *(b) Securing a license or registration by fraud, deceit, or*  
11 *misrepresentation on an application for licensure or registration*  
12 *submitted to the board, whether engaged in by an applicant for a*  
13 *license or registration, or by a licensee in support of an*  
14 *application for licensure or registration.*

15 *(c) Administering to himself or herself any controlled*  
16 *substance or using any of the dangerous drugs specified in*  
17 *Section 4022 or an alcoholic beverage to the extent, or in a*  
18 *manner, as to be dangerous or injurious to himself or herself or*  
19 *to any other person or to the public or to the extent that the use*  
20 *impairs his or her ability to safely perform the functions*  
21 *authorized by the registration or license.*

22 *(d) The conviction of more than one misdemeanor or any*  
23 *felony involving the use, consumption, or self-administration of*  
24 *any of the substances referred to in subdivision (c), or any*  
25 *combination thereof.*

26 *(e) Gross negligence or incompetence in the performance of*  
27 *marriage and family therapy.*

28 *(f) Violating, attempting to violate, or conspiring to violate*  
29 *any of the provisions of this chapter or any regulation adopted by*  
30 *the board.*

31 *(g) Misrepresentation as to the type or status of a license or*  
32 *registration held by the person, or otherwise misrepresenting or*  
33 *permitting misrepresentation of his or her education,*  
34 *professional qualifications, or professional affiliations to any*  
35 *person or entity.*

36 *(h) Impersonation of another by a licensee or registrant or*  
37 *allowing any other person to use his or her license or*  
38 *registration.*

1     (i) Aiding or abetting, or employing directly or indirectly, an  
2     unlicensed or unregistered person to engage in conduct for  
3     which a license or registration is required under this chapter.

4     (j) Intentionally or recklessly causing physical or emotional  
5     harm to any client.

6     (k) Committing a dishonest, corrupt, or fraudulent act  
7     substantially related to the qualifications, functions, or duties of  
8     a licensee or registrant.

9     (l) Engaging in sexual relations with a client or with a former  
10    client within two years following termination of therapy,  
11    soliciting sexual relations with a client or committing an act of  
12    sexual abuse or sexual misconduct with a client or committing an  
13    act punishable as a sexually related crime, if that act or  
14    solicitation is substantially related to the qualifications,  
15    functions, or duties of a marriage and family therapist.

16    (m) Performing or holding himself or herself out as being able  
17    to perform or offering to perform any professional services  
18    beyond the scope of the license authorized by this chapter or  
19    beyond his or her competency, as established by his or her  
20    education, training, or experience.

21    (n) Failing to maintain confidentiality, except as otherwise  
22    required or permitted by law, of all information that has been  
23    received from a client in confidence during the course of  
24    treatment and all information about the client that is obtained  
25    from tests or other means.

26    (o) Prior to the commencement of treatment, failing to disclose  
27    to the client or prospective client the fee to be charged for the  
28    professional services or the basis upon which that fee will be  
29    computed.

30    (p) Paying, accepting, or soliciting any consideration,  
31    compensation, or remuneration, whether monetary or otherwise,  
32    for the referral of professional clients.

33    (q) Advertising in a manner that is false, misleading, or  
34    deceptive.

35    (r) Reproducing or describing, in public or in any publication  
36    subject to general public distribution, a psychological test or  
37    other assessment device, the value of which depends in whole or  
38    in part on the naivete of the subject, in ways that might invalidate  
39    the test or device.

1 (s) Any conduct in the supervision of a registrant or trainee  
2 that violates this chapter or any rules or regulations adopted by  
3 the board.

4 (t) Permitting a trainee or registrant under his or her  
5 supervision or control to perform, or permitting the trainee or  
6 registrant to hold himself or herself out as competent to perform,  
7 professional services beyond the scope of the license authorized  
8 by this chapter or beyond the trainee's or registrant's level of  
9 education, training, or experience.

10 (u) Violating any statute or regulation governing obtaining  
11 and supervising the experience required by this chapter.

12 (v) Failing to keep records consistent with sound clinical  
13 judgment, the standards of the profession, and the nature of the  
14 services being rendered.

15 4984.01. The board shall revoke the license or registration of  
16 a person, other than one who is also licensed as a physician and  
17 surgeon, who uses or offers to use drugs in the course of  
18 performing marriage and family services.

19 4984.02. A person who violates any of the provisions of this  
20 chapter is guilty of a misdemeanor punishable by imprisonment  
21 in the county jail not exceeding six months or by a fine not  
22 exceeding two thousand five hundred dollars (\$2,500), or by both  
23 imprisonment and fine.

24 4984.03. In addition to other proceedings provided for in this  
25 chapter, whenever any person has engaged, or is about to  
26 engage, in any acts or practices that constitute, or will constitute,  
27 an offense against this chapter, the superior court in and for the  
28 county wherein the acts or practices take place, or are about to  
29 take place, may issue an injunction, or other appropriate order,  
30 restraining the conduct on application of the board, the Attorney  
31 General, or the district attorney of the county. The proceedings  
32 under this section shall be governed by Chapter 3 (commencing  
33 with Section 525) of Title 7 of Part 2 of the Code of Civil  
34 Procedure.

35  
36 Article 6. Revenue  
37

38 4985. (a) The board may assess the following fees relating to  
39 licensure and registration under this chapter:

1     (1) *The fee for applications for examination shall be one*  
2 *hundred dollars (\$100).*

3     (2) *The fee for issuance of the initial license shall be a*  
4 *maximum of one hundred eighty dollars (\$180).*

5     (3) *The fee for renewal of a license shall be a maximum of one*  
6 *hundred eighty dollars (\$180).*

7     (4) *The delinquency fee shall be ninety dollars (\$90).*

8     (5) *The fee for intern registration shall be seventy-five dollars*  
9 *(\$75).*

10    (6) *The fee to renew an intern registration shall be*  
11 *seventy-five dollars (\$75).*

12    (7) *The fee for the standard written examination shall be one*  
13 *hundred dollars (\$100). After passing the standard written*  
14 *examination, each applicant for the clinical vignette written*  
15 *examination shall submit a fee of one hundred dollars (\$100) to*  
16 *the board. On and after January 1, 2005, the amount of the fees*  
17 *for the standard written and clinical vignette written*  
18 *examinations shall be based on the actual cost to the board of*  
19 *developing, purchasing, and grading each examination, plus its*  
20 *actual cost to administer each examination. The amount of the*  
21 *written examination fees shall be adjusted periodically by*  
22 *regulation to reflect the actual costs incurred by the board for*  
23 *the examination.*

24    (8) *An applicant who fails the standard written or clinical*  
25 *vignette written examination may within one year from the*  
26 *notification date of that failure, retake the examination as*  
27 *regularly scheduled without further application upon payment to*  
28 *the board of a fee of one hundred dollars (\$100) for the standard*  
29 *written reexamination and a fee of one hundred dollars (\$100)*  
30 *for the clinical vignette written reexamination.*

31    (9) *The fee for rescoring a written examination shall be twenty*  
32 *dollars (\$20).*

33    (10) *The fee for issuance of a replacement registration or*  
34 *license shall be twenty dollars (\$20).*

35    (11) *The fee for issuance of a certificate or a letter of good*  
36 *standing shall be twenty-five dollars (\$25).*

37    (b) *The board shall establish the amount of all fees assessed*  
38 *under this chapter at or below the maximum amount specified in*  
39 *this section.*

1     4985.01. *In addition to the fees described in Section 4985, the*  
2 *board shall assess an additional fee of ten dollars (\$10) at the*  
3 *time of licensure renewal. The board shall transfer this amount*  
4 *to the Controller who shall deposit the funds in the Mental*  
5 *Health Practitioner Education Fund.*

6     4985.02. *The board shall report each month to the Controller*  
7 *the amount and source of all revenue received pursuant to this*  
8 *chapter and at the same time pay the entire amount thereof, other*  
9 *than the amounts collected pursuant to Section 4985.01, into the*  
10 *State Treasury for credit to the Behavioral Sciences Fund.*

11  
12     Article 7. *Marriage and Family Therapy Corporations*  
13

14     4986. *A marriage and family therapy corporation is a*  
15 *corporation that is authorized to render professional services, as*  
16 *defined in Section 13401 of the Corporations Code, so long as*  
17 *that corporation and its shareholders, officers, directors, and*  
18 *employees rendering professional services who are marriage and*  
19 *family therapists, physicians and surgeons, psychologists,*  
20 *licensed clinical social workers, registered nurses, chiropractors,*  
21 *or acupuncturists are in compliance with the Moscone-Knox*  
22 *Professional Corporation Act, this article, and any other statute*  
23 *or regulation pertaining to that corporation and the conduct of*  
24 *its affairs. With respect to a marriage and family therapy*  
25 *corporation, the governmental agency referred to in the*  
26 *Moscone-Knox Professional Corporation Act is the board.*

27     4986.01. *The name of a marriage and family therapy*  
28 *corporation shall contain one or more of the words “marriage,”*  
29 *“family,” or “child” together with one or more of the words*  
30 *“counseling,” “counselor,” “therapy,” or “therapist,” and*  
31 *wording or abbreviations denoting corporate existence. A*  
32 *marriage and family therapy corporation that conducts business*  
33 *under a fictitious business name shall not use any name that is*  
34 *false, misleading, or deceptive and shall inform the patient, prior*  
35 *to the commencement of treatment, that the business is conducted*  
36 *by a marriage and family therapy corporation.*

37     4986.02. *Except as provided in Section 13403 of the*  
38 *Corporations Code, each director, shareholder, and officer of a*  
39 *marriage and family therapy corporation shall be a licensed*

1 person as defined in the Moscone-Knox Professional  
2 Corporation Act.

3 4986.03. The income of a marriage and family therapy  
4 corporation attributable to professional services rendered while  
5 a shareholder is a disqualified person, as defined in the  
6 Moscone-Knox Professional Corporation Act, shall not in any  
7 manner accrue to the benefit of that shareholder or his or her  
8 shares in the marriage and family therapy corporation.

9 4986.04. A marriage and family therapy corporation shall  
10 not commit an act or fail to commit an act if that act or failure to  
11 act would constitute unprofessional conduct under any statute,  
12 rule, or regulation now or hereafter in effect. In the conduct of its  
13 practice, the corporation shall observe and comply with all  
14 statutes, rules, and regulations to the same extent as a person  
15 holding a license as a marriage and family therapist.

16 4986.05. It shall constitute unprofessional conduct and a  
17 violation of this chapter for a licensee to violate, attempt to  
18 violate, directly or indirectly, or assist in or abet the violation of,  
19 or conspire to violate, any provision or term of this article, the  
20 Moscone-Knox Professional Corporation Act, or any regulations  
21 duly adopted under those laws.

22 SEC. 19. Chapter 13.5 (commencing with Section 4987) is  
23 added to Division 2 of the Business and Professions Code, to  
24 read:

25  
26 CHAPTER 13.5. LICENSED EDUCATIONAL PSYCHOLOGISTS

27  
28 Article 1. General

29  
30 4987. This chapter constitutes, and may be cited as, the  
31 Educational Psychologist Practice Act.

32 4987.1. The Board of Behavioral Sciences shall administer  
33 and enforce the provisions of this chapter. For the purposes of  
34 this chapter it shall be designated as the board.

35 4987.2. The practice of educational psychology is performing  
36 any of the following professional functions pertaining to  
37 academic learning processes or the educational system or both:

38 (a) Educational evaluation.

39 (b) Diagnosis of psychological disorders related to academic  
40 learning processes.

1 (c) Administration of diagnostic tests related to academic  
2 learning processes including tests of academic ability, learning  
3 patterns, achievement, motivation, and personality factors.

4 (d) Interpretation of diagnostic tests related to academic  
5 learning processes including tests of academic ability, learning  
6 patterns, achievement, motivation, and personality factors.

7 (e) Providing psychological counseling for individuals,  
8 groups, and families.

9 (f) Consultation with other educators and parents on issues of  
10 social development and behavioral and academic difficulties.

11 (g) Conducting psycho-educational assessments for the  
12 purposes of identifying special needs.

13 (h) Developing treatment programs and strategies to address  
14 problems of adjustment.

15 (i) Coordinating intervention strategies for management of  
16 individual crises.

17 4987.3. (a) A person appropriately credentialed by the  
18 Commission on Teacher Credentialing may perform the functions  
19 authorized by that credential in a public school without a license  
20 issued under this chapter by the board.

21 (b) Nothing in this chapter shall be construed to constrict,  
22 limit, or withdraw the Medical Practice Act (Chapter 5  
23 (commencing with Section 2000)), the Nursing Practice Act  
24 (Chapter 6 (commencing with Section 2700)), the Psychology  
25 Licensing Law (Chapter 6.6 (commencing with Section 2900)),  
26 the Marriage and Family Therapist Practice Act (Chapter 13  
27 (commencing with Section 4980)), or the Clinical Social Worker  
28 Practice Act (Chapter 14 (commencing with Section 4990)).

29 4987.4. The board may, by rules or regulations, adopt,  
30 amend, or repeal rules of professional conduct appropriate to the  
31 establishment and maintenance of a high standard of integrity  
32 and dignity in the profession, provided those rules or regulations  
33 are not inconsistent with Section 4987.50. Every person licensed  
34 under this chapter shall be governed by those rules of  
35 professional conduct.

Article 2. Licensure and Renewal

4987.20. (a) The board may issue a license as an educational psychologist if the applicant satisfies, with proof satisfactory to the board, the following requirements:

(1) Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, or counseling and guidance. This degree shall be obtained from an educational institution approved by the board according to the regulations adopted under this chapter.

(2) Attainment of 18 years of age.

(3) No commission of an act or crime constituting grounds for denial of licensure under Section 480.

(4) Successful completion of 60 semester hours of postgraduate work in pupil personnel services.

(5) Completion of three years of full-time experience as a credentialed school psychologist in the public schools. At least one year of the experience required by this paragraph shall be supervised professional experience in an accredited school psychology program or obtained under the direction of a licensed psychologist or a licensed educational psychologist. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.

(6) Passage of an examination specified by the board.

4987.21. (a) Only persons who satisfy the requirements of Section 4987.20 are eligible to take the licensure examination.

(b) An applicant who fails the written examination may within one year from the notification date of failure, retake the examination as regularly scheduled without further application. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all fees required.

(c) Notwithstanding any other provision of law, the board may destroy all examination materials two years after the date of an examination.

4987.22. The board shall not issue a license to a person who has been convicted of a crime in this or any other state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

1     4987.23. *The board may refuse to issue a license to an*  
2 *applicant if it appears he or she may be unable to practice safely*  
3 *due to mental illness or chemical dependency. The procedures*  
4 *set forth in Article 12.5 (commencing with Section 820) of*  
5 *Chapter 1 shall apply to a denial of a license pursuant to this*  
6 *section.*

7     4987.24. *The board may deny an application for licensure if*  
8 *the applicant is or has been guilty of unprofessional conduct as*  
9 *described in Section 4987.50.*

10    4987.25. *A license issued under this chapter shall expire no*  
11 *later than 24 months after its date of issue.*

12    4987.26. *To renew an unexpired license, the licensee shall,*  
13 *on or before the expiration date of the license, take all of the*  
14 *following actions:*

15     (a) *Apply for renewal on a form prescribed by the board.*

16     (b) *Pay a two-year renewal fee prescribed by the board.*

17     (c) *Inform the board of whether he or she has been convicted,*  
18 *as defined in Section 490, of any misdemeanor or felony and*  
19 *whether any disciplinary action has been taken by a regulatory*  
20 *or licensing board in this or any other state after the prior*  
21 *issuance or renewal of his or her license.*

22     (d) *Complete the continuing education requirements described*  
23 *in Section 4987.27.*

24    4987.27. (a) *To renew his or her license, a licensee shall*  
25 *certify to the board, on a form it prescribes, completion in the*  
26 *preceding two years of not less than 60 hours of approved*  
27 *continuing education in, or relevant to, educational psychology.*

28     (b) (1) *The continuing education shall be obtained from either*  
29 *an accredited university or a continuing education provider*  
30 *approved by the board.*

31     (2) *The board shall establish, by regulation, a procedure for*  
32 *approving providers of continuing education courses, and all*  
33 *providers of continuing education shall comply with procedures*  
34 *established by the board. The board may revoke or deny the right*  
35 *of a provider to offer continuing education coursework pursuant*  
36 *to this section for failure to comply with the requirements of this*  
37 *section or any regulation adopted pursuant to this section.*

38     (c) *Training, education, and coursework by approved*  
39 *providers shall incorporate one or more of the following:*

1     *(1) Aspects of the discipline that are fundamental to the*  
2     *understanding or the practice of educational psychology.*

3     *(2) Aspects of the discipline of educational psychology in*  
4     *which significant recent developments have occurred.*

5     *(3) Aspects of other disciplines that enhance the*  
6     *understanding or the practice of educational psychology.*

7     *(d) The board may audit the records of a licensee to verify*  
8     *completion of the continuing education requirement. A licensee*  
9     *shall maintain records of the completion of required continuing*  
10    *education coursework for a minimum of two years and shall*  
11    *make these records available to the board for auditing purposes*  
12    *upon its request.*

13    *(e) Hours accepted by the Commission on Teacher*  
14    *Credentialing to satisfy the professional growth requirement for*  
15    *renewal of a services credential with a specialization in pupil*  
16    *personnel services shall be accepted by the board as satisfaction*  
17    *of the continuing education requirements of this section.*

18    *(f) The board may establish exceptions from the continuing*  
19    *education requirements of this section for good cause, as*  
20    *determined by the board.*

21    *(g) The board shall, by regulation, fund the administration of*  
22    *this section through continuing education provider fees to be*  
23    *deposited in the Behavioral Sciences Fund. The amount of the*  
24    *fees shall be sufficient to meet, but shall not exceed, the costs of*  
25    *administering this section.*

26    *(h) The continuing education requirements of this section shall*  
27    *comply fully with the guidelines for mandatory continuing*  
28    *education established by the Department of Consumer Affairs*  
29    *pursuant to Section 166.*

30    4987.28. A licensee may renew a license that has expired at  
31    any time within five years after its expiration date by taking all of  
32    the actions described in Section 4987.26.

33    4987.29. A suspended license is subject to expiration as  
34    provided in this article and may be renewed, following the period  
35    of suspension, if the licensee takes all of the actions described in  
36    Section 4987.26.

37    4987.30. A revoked license is subject to expiration as  
38    provided in this article and shall not be renewed. The applicant  
39    may apply to the board for reinstatement of his or her license  
40    and shall pay a reinstatement fee in an amount equal to the

1 *renewal fee in effect at that time and any delinquency fees that*  
2 *may have accrued and comply with other requirements of the*  
3 *board for reinstatement.*

4 *4987.31. A license that is not renewed within five years after*  
5 *its expiration may not be renewed, restored, reinstated, or*  
6 *reissued thereafter. A licensee may apply for a new license if he*  
7 *or she satisfies all of the following requirements:*

8 *(a) No fact, circumstance, or condition exists that, if the*  
9 *license were issued, would constitute grounds for its revocation*  
10 *or suspension.*

11 *(b) Payment of the fees that would be required if he or she*  
12 *were applying for a license for the first time.*

13 *(c) Passage of the current licensure examination.*

14 *4987.32. (a) A licensee may apply to the board to request*  
15 *that his or her license be placed on inactive status.*

16 *(b) A licensee on inactive status shall be subject to this*  
17 *chapter and shall not engage in the practice of educational*  
18 *psychology in this state.*

19 *(c) A licensee who holds an inactive license shall pay a*  
20 *biennial fee of one-half of the amount of the standard renewal*  
21 *fee.*

22 *(d) A licensee on inactive status who has not committed an act*  
23 *or crime constituting grounds for denial of licensure may, upon*  
24 *request, restore his or her license to practice educational*  
25 *psychology to active status. A licensee requesting that his or her*  
26 *license be placed on active status between renewal cycles shall*  
27 *pay the remaining one-half of his or her renewal fee. A licensee*  
28 *requesting to restore his or her license to active status, whose*  
29 *license will expire less than one year from the date of the request,*  
30 *shall complete 30 hours of continuing education as specified in*  
31 *Section 4987.27. A licensee requesting to restore his or her*  
32 *license to active status, whose license will expire more than one*  
33 *year from the date of the request, shall complete 60 hours of*  
34 *continuing education as specified in Section 4987.27.*

35  
36 *Article 3. Regulation*  
37

38 *4987.40. A licensee shall give written notice to the board of a*  
39 *name change within 30 days after each change, providing both*  
40 *the old and new names. A copy of the legal document authorizing*

1 *the name change, such as a court order or marriage certificate,*  
2 *shall be submitted with the notice.*

3 *4987.41. A licensee shall display his or her license in a*  
4 *conspicuous place in the licensee's primary place of practice.*

5 *4987.42. Except as authorized by this chapter, it is unlawful*  
6 *for any person to practice educational psychology or use any*  
7 *title or letters that imply that he or she is a licensed educational*  
8 *psychologist unless, at the time of so doing, he or she holds a*  
9 *valid, unexpired, and unrevoked license issued under this*  
10 *chapter.*

11 *4987.43. All consideration, compensation, or remuneration*  
12 *received by the licensee shall be in relation to professional*  
13 *counseling services actually provided by the licensee. Nothing in*  
14 *this section shall prevent collaboration among two or more*  
15 *licensees in a case. However, no fee shall be charged for that*  
16 *collaboration, except when disclosure of the fee has been made*  
17 *to the client.*

18  
19 *Article 4. Enforcement*  
20

21 *4987.50. The board may suspend or revoke the license of a*  
22 *licensee if he or she has been guilty of unprofessional conduct.*  
23 *Unprofessional conduct includes, but is not limited to, the*  
24 *following:*

25 *(a) Conviction of a crime substantially related to the*  
26 *qualifications, functions and duties of an educational*  
27 *psychologist.*

28 *(1) The record of conviction shall be conclusive evidence only*  
29 *of the fact that the conviction occurred.*

30 *(2) The board may inquire into the circumstances surrounding*  
31 *the commission of the crime in order to fix the degree of*  
32 *discipline or to determine if the conviction is substantially*  
33 *related to the qualifications, functions, or duties of a licensee*  
34 *under this chapter.*

35 *(3) A plea or verdict of guilty or a conviction following a plea*  
36 *of nolo contendere made to a charge substantially related to the*  
37 *qualifications, functions, or duties of a licensee under this*  
38 *chapter shall be deemed to be a conviction within the meaning of*  
39 *this section.*

1     (4) *The board may order a license suspended or revoked when*  
2 *the time for appeal has elapsed or the judgment of conviction has*  
3 *been affirmed on appeal or when an order granting probation is*  
4 *made suspending the imposition of sentence, irrespective of a*  
5 *subsequent order under Section 1203.4 of the Penal Code*  
6 *allowing the person to withdraw a plea of guilty and enter a plea*  
7 *of not guilty or setting aside the verdict of guilty or dismissing*  
8 *the accusation, information, or indictment.*

9     (b) *Securing a license by fraud, deceit, or misrepresentation*  
10 *on an application for licensure submitted to the board, whether*  
11 *engaged in by an applicant for a license or by a licensee in*  
12 *support of an application for licensure.*

13     (c) *Administering to himself or herself a controlled substance*  
14 *or using any of the dangerous drugs specified in Section 4022 or*  
15 *an alcoholic beverage to the extent, or in a manner, as to be*  
16 *dangerous or injurious to himself or herself or to any other*  
17 *person or to the public or to the extent that the use impairs his or*  
18 *her ability to safely perform the functions authorized by the*  
19 *license.*

20     (d) *Conviction of more than one misdemeanor or any felony*  
21 *involving the use, consumption, or self-administration of any of*  
22 *the substances referred to in subdivision (c) or any combination*  
23 *thereof.*

24     (e) *Advertising in a manner that is false, misleading, or*  
25 *deceptive.*

26     (f) *Violating, attempting to violate, or conspiring to violate*  
27 *any of the provisions of this chapter or any regulation adopted by*  
28 *the board.*

29     (g) *Commission of any dishonest, corrupt, or fraudulent act*  
30 *substantially related to the qualifications, functions, or duties of*  
31 *a licensee.*

32     (h) *Denial of licensure, revocation, suspension, restriction, or*  
33 *any other disciplinary action imposed by another state or*  
34 *territory or possession of the United States or by any other*  
35 *governmental agency, on a license, certificate, or registration to*  
36 *practice educational psychology or any other healing art. A*  
37 *certified copy of the disciplinary action, decision, or judgment*  
38 *shall be conclusive evidence of that action.*

1     (i) *Revocation, suspension, or restriction by the board of a*  
2 *license, certificate, or registration to practice as a clinical social*  
3 *worker or marriage and family therapist.*

4     (j) *Failure to keep records consistent with sound clinical*  
5 *judgment, the standards of the profession, and the nature of the*  
6 *services being rendered.*

7     (k) *Gross negligence or incompetence in the practice of*  
8 *educational psychology.*

9     (l) *Misrepresentation as to the type or status of a license held*  
10 *by the licensee or otherwise misrepresenting or permitting*  
11 *misrepresentation of his or her education, professional*  
12 *qualifications, or professional affiliations to any person or entity.*

13     (m) *Intentionally or recklessly causing physical or emotional*  
14 *harm to any client.*

15     (n) *Engaging in sexual relations with a client or a former*  
16 *client within two years following termination of professional*  
17 *services, soliciting sexual relations with a client, or committing*  
18 *an act of sexual abuse or sexual misconduct with a client or*  
19 *committing an act punishable as a sexually related crime, if that*  
20 *act or solicitation is substantially related to the qualifications,*  
21 *functions, or duties of a licensed educational psychologist.*

22     (o) *Prior to the commencement of treatment, failing to disclose*  
23 *to the client or prospective client the fee to be charged for the*  
24 *professional services or the basis upon which that fee will be*  
25 *computed.*

26     (p) *Paying, accepting, or soliciting any consideration,*  
27 *compensation, or remuneration, whether monetary or otherwise,*  
28 *for the referral of professional clients.*

29     (q) *Failing to maintain confidentiality, except as otherwise*  
30 *required or permitted by law, of all information that has been*  
31 *received from a client in confidence during the course of*  
32 *treatment and all information about the client that is obtained*  
33 *from tests or other means.*

34     (r) *Performing, holding himself or herself out as being able to*  
35 *perform, or offering to perform any professional services beyond*  
36 *the scope of the license authorized by this chapter or beyond his*  
37 *or her field or fields of competence as established by his or her*  
38 *education, training, or experience.*

39     (s) *Reproducing or describing in public, or in any publication*  
40 *subject to general public distribution, any psychological test or*

1 *other assessment device the value of which depends in whole or*  
2 *in part on the naivete of the subject in ways that might invalidate*  
3 *the test or device. An educational psychologist shall limit access*  
4 *to the test or device to persons with professional interests who*  
5 *can be expected to safeguard its use.*

6 *(t) Aiding or abetting an unlicensed person to engage in*  
7 *conduct requiring a license under this chapter.*

8 *(u) When employed by another person or agency,*  
9 *encouraging, either orally or in writing, the employer's or*  
10 *agency's clientele to utilize his or her private practice for further*  
11 *counseling without the approval of the employing agency or*  
12 *administration.*

13 *(v) Failing to comply with the child abuse reporting*  
14 *requirements of Section 11166 of the Penal Code.*

15 *(w) Failing to comply with the elder and adult dependent*  
16 *abuse reporting requirements Section 15630 of the Welfare and*  
17 *Institutions Code.*

18 *4987.51. The board shall revoke the license of a licensee,*  
19 *other than one who is also licensed as a physician and surgeon,*  
20 *who uses or offers to use drugs in the course of his or her*  
21 *practice as an educational psychologist.*

22 *4987.52. The board shall revoke the license of a licensee*  
23 *upon a decision that contains a finding of fact that the licensee*  
24 *engaged in an act of sexual contact, as defined in Section 729,*  
25 *when that act is with a client, or with a former client and the*  
26 *relationship was terminated primarily because of engaging in*  
27 *that act. The revocation shall not be stayed by the administrative*  
28 *law judge or the board.*

29 *4987.53. A person whose license has been suspended or*  
30 *revoked shall not, until the reinstatement of his or her license,*  
31 *engage in any activity to which the license relates or any other*  
32 *activity or conduct in violation of the order or judgment by which*  
33 *the license was suspended.*

34 *4987.54. All proceedings by the board to suspend, revoke, or*  
35 *to take other disciplinary action against a licensee shall be*  
36 *conducted pursuant to Chapter 5 (commencing with Section*  
37 *11500) of Part 1 of Division 3 of Title 2 of the Government Code.*

38 *4987.55. In addition to other proceedings provided for in this*  
39 *chapter, whenever a person has engaged, or is about to engage,*  
40 *in an act or practice that constitutes, or will constitute, an*

1 *offense against this chapter, the superior court in and for the*  
2 *county where the act or practice takes place, or is about to take*  
3 *place, may issue an injunction, or other appropriate order,*  
4 *restraining that conduct on application of the board, the Attorney*  
5 *General, or the district attorney of the county. The proceedings*  
6 *under this section shall be governed by Chapter 3 (commencing*  
7 *with Section 525) of Title 7 of Part 2 of the Code of Civil*  
8 *Procedure.*

9 *4987.56. A person who violates any of the provisions of this*  
10 *chapter is guilty of a misdemeanor.*

11  
12 *Article 5. Revenue*  
13

14 *4987.60. (a) The board shall assess the following fees*  
15 *relating to the licensure of educational psychologists:*

16 *(1) The application fee for initial licensure shall be one*  
17 *hundred dollars (\$100).*

18 *(2) The fee for issuance of the initial license shall be a*  
19 *maximum amount of one hundred fifty dollars (\$150).*

20 *(3) The fee for license renewal shall be a maximum amount of*  
21 *one hundred fifty dollars (\$150).*

22 *(4) The delinquency fee shall be seventy-five dollars (\$75). A*  
23 *person who permits his or her license to become delinquent may*  
24 *have it restored only upon payment of all the fees that he or she*  
25 *would have paid if the license had not become delinquent, plus*  
26 *the payment of any and all delinquency fees.*

27 *(5) The written examination fee shall be one hundred dollars*  
28 *(\$100). An applicant who fails to appear for an examination,*  
29 *once having been scheduled, shall forfeit any examination fees he*  
30 *or she paid.*

31 *(6) The fee for rescoring a written examination shall be twenty*  
32 *dollars (\$20).*

33 *(7) The fee for issuance of a replacement registration, license,*  
34 *or certificate shall be twenty dollars (\$20).*

35 *(8) The fee for issuance of a certificate or letter of good*  
36 *standing shall be twenty-five dollars (\$25).*

37 *(b) With regard to all license, examination, and other fees, the*  
38 *board shall establish fee amounts at or below the maximum*  
39 *amounts specified in this chapter.*

1 4987.61. The board shall report each month to the  
2 Controller; the amount and source of all revenue received  
3 pursuant to this chapter and at the same time pay the entire  
4 amount thereof into the State Treasury for credit to the  
5 Behavioral Sciences Fund.

6 SEC. 20. Chapter 13.7 (commencing with Section 4988) is  
7 added to Division 2 of the Business and Professions Code, to  
8 read:

9  
10 *CHAPTER 13.7. BOARD OF BEHAVIORAL SCIENCES*

11  
12 *Article 1. Administration*

13  
14 4988. (a) There is in the Department of Consumer Affairs, a  
15 Board of Behavioral Sciences that consists of 11 members  
16 composed as follows:

17 (1) Two state-licensed clinical social workers.

18 (2) One state-licensed educational psychologist.

19 (3) Two state-licensed marriage and family therapists.

20 (4) Six public members.

21 (b) Each member, except the six public members, shall have at  
22 least two years of experience in his or her profession.

23 (c) Each member shall reside in the state of California.

24 (d) The Governor shall appoint four of the public members  
25 and the five licensed members with the advice and consent of the  
26 Senate. The Senate Committee on Rules and the Speaker of the  
27 Assembly shall each appoint a public member.

28 (e) Each member of the board shall be appointed for a term of  
29 four years. A member appointed by the Speaker of the Assembly  
30 or the Senate Committee on Rules shall hold office until the  
31 appointment and qualification of his or her successor or until  
32 one year from the expiration date of the term for which he or she  
33 was appointed, whichever first occurs. Pursuant to Section 1774  
34 of the Government Code, a member appointed by the Governor  
35 shall hold office until the appointment and qualification of his or  
36 her successor or until 60 days from the expiration date of the  
37 term for which he or she was appointed, whichever first occurs.

38 (f) A vacancy on the board shall be filled by appointment for  
39 the unexpired term by the authority who appointed the member  
40 whose membership was vacated.

1 (g) Not later than the first of June of each calendar year, the  
2 board shall elect a chairperson and a vice chairperson from its  
3 membership.

4 (h) Each member of the board shall receive a per diem and  
5 reimbursement of expenses as provided in Section 103.

6 (i) This section shall become inoperative on July 1, 2008, and,  
7 as of January 1, 2009, is repealed, unless a later enacted statute,  
8 that is enacted before January 1, 2009, deletes or extends the  
9 dates on which it becomes inoperative and is repealed.

10 4988.1. "Board," as used in this chapter, Chapter 13  
11 (commencing with Section 4980), Chapter 13.5 (commencing  
12 with Section 4987), and Chapter 14 (commencing with Section  
13 4990) means the Board of Behavioral Sciences.

14 4988.2. (a) The board shall appoint an executive officer. This  
15 position is designated as a confidential position and is exempt  
16 from civil service under subdivision (e) of Section 4 of Article VII  
17 of the California Constitution.

18 (b) The executive officer serves at the pleasure of the board.

19 (c) The executive officer shall exercise the powers and  
20 perform the duties delegated by the board and vested in him or  
21 her by this chapter.

22 (d) With the approval of the director, the board shall fix the  
23 salary of the executive officer.

24 (e) The chairperson and executive officer may call meetings of  
25 the board and any duly appointed committee at a specified time  
26 and place. For purposes of this section, "call meetings" means  
27 setting the agenda, time, date, or place for any meeting of the  
28 board or any committee.

29 (f) This section shall become inoperative on July 1, 2008, and,  
30 as of January 1, 2009, is repealed, unless a later enacted statute,  
31 that is enacted before January 1, 2009, deletes or extends the  
32 dates on which it becomes inoperative and is repealed.

33 4988.3. Subject to the State Civil Service Act (Part 2  
34 (commencing with Section 18500) of Division 5 of Title 2 of the  
35 Government Code) and except as provided by Sections 155, 156,  
36 and 159.5, the board may employ such clerical, technical, and  
37 other personnel as it deems necessary to carry out the provisions  
38 of this chapter and the other chapters it administers and  
39 enforces, within budget limitations.

1     4988.4. *The board shall keep an accurate record of all of its*  
2 *proceedings and a record of all applicants for licensure and all*  
3 *individuals to whom it has issued a license.*

4     4988.5. *The board may conduct research in, and make*  
5 *studies of problems involved in, the maintaining of professional*  
6 *standards among those engaged in the professions it licenses and*  
7 *may publish its recommendations thereon.*

8     4988.6. *The duty of administering and enforcing this chapter,*  
9 *Chapter 13 (commencing with Section 4980), Chapter 13.5*  
10 *(commencing with Section 4987), and Chapter 14 (commencing*  
11 *with Section 4990) is vested in the board and the executive*  
12 *officer subject to, and under the direction of, the board. In the*  
13 *performance of this duty, the board and the executive officer*  
14 *have all the powers and are subject to all the responsibilities*  
15 *vested in, and imposed upon, the head of a department by*  
16 *Chapter 2 (commencing with Section 11150) of Part 1 of*  
17 *Division 3 of Title 2 of the Government Code.*

18     4988.7. *The board shall have and use a seal bearing the*  
19 *words "The Board of Behavioral Sciences," and shall otherwise*  
20 *conform to Section 107.5.*

21     4988.8. *Protection of the public shall be the highest priority*  
22 *for the board in exercising its licensing, regulatory, and*  
23 *disciplinary functions. Whenever the protection of the public is*  
24 *inconsistent with other interests sought to be promoted, the*  
25 *protection of the public shall be paramount.*

26     4988.9. *It is the intent of the Legislature that the board*  
27 *employ its resources for each and all of the following functions:*

28     (a) *The licensure of marriage and family therapists, clinical*  
29 *social workers, and educational psychologists.*

30     (b) *The development and administration of licensure*  
31 *examinations and examination procedures consistent with*  
32 *prevailing standards for the validation and use of licensing and*  
33 *certification tests. Examinations shall measure knowledge and*  
34 *abilities demonstrably important to the safe, effective practice of*  
35 *the profession.*

36     (c) *Enforcement of laws designed to protect the public from*  
37 *incompetent, unethical, or unprofessional practitioners.*

38     (d) *Consumer education.*

39     4988.10. (a) *The board may adopt those rules and*  
40 *regulations as may be necessary to administer and enforce the*

1 *provisions of this chapter and the other chapters it administers*  
2 *and enforces. The adoption, amendment, or repeal of those rules*  
3 *and regulations shall be made in accordance with Chapter 3.5*  
4 *(commencing with Section 11340) of Part 1 of Division 3 of Title*  
5 *2 of the Government Code.*

6 *(b) The board may formulate and enforce rules and*  
7 *regulations requiring the following.*

8 *(1) That the articles of incorporation or bylaws of a marriage*  
9 *and family therapist or licensed clinical social worker*  
10 *corporation include a provision whereby the capital stock of that*  
11 *corporation owned by a disqualified person, as defined in the*  
12 *Moscone-Knox Professional Corporation Act (Part 4*  
13 *(commencing with Section 13400) of Division 3 of Title 1 of the*  
14 *Corporations Code), or a deceased person shall be sold to the*  
15 *corporation or to the remaining shareholders of that corporation*  
16 *within the time that the rules and regulations may provide.*

17 *(2) That a marriage and family therapist corporation or a*  
18 *licensed clinical social worker corporation shall provide*  
19 *adequate security by insurance or otherwise for claims against it*  
20 *by its patients arising out of the rendering of professional*  
21 *services.*

22 *4988.11. (a) Notwithstanding Section 13340 of the*  
23 *Government Code, and except as provided in Section 207, the*  
24 *funds in the Behavioral Sciences Fund are continuously*  
25 *appropriated, without regard to fiscal years, to the board for*  
26 *carrying out and enforcing the provisions of this chapter and the*  
27 *other chapters it administers and enforces.*

28 *(b) The board shall keep records that reasonably ensure that*  
29 *funds expended in the administration of each licensure or*  
30 *registration category shall bear a reasonable relation to the*  
31 *revenue derived from each category and report to the department*  
32 *no later than May 31 of each year on those expenditures.*

33 *(c) Surpluses, if any, may be used by the board in a manner*  
34 *that bears a reasonable relation to the revenue derived from*  
35 *each licensure or registration category and may include, but not*  
36 *be limited to, expenditures for education and research related to*  
37 *each of the licensing or registration categories.*

38 *4988.12. The powers and duties of the board, as set forth in*  
39 *this chapter, shall be subject to the review required by Division*  
40 *1.2 (commencing with Section 473).*

1     4988.13.     Wherever “Board of Behavioral Science  
2     Examiners,” “Board of Social Work Examiners of the State of  
3     California,” or “Social Worker and Marriage Counselor  
4     Qualifications Board of the State of California” is used in any  
5     law or regulations of this state, it shall mean the Board of  
6     Behavioral Sciences.

7  
8                     Article 2. Disciplinary Actions  
9

10    4988.20.     The board may refuse to issue a registration or  
11    license under the chapters it administers and enforces whenever  
12    it appears that the applicant may be unable to practice his or her  
13    profession safely due to mental illness or chemical dependency.  
14    The procedures set forth in Article 12.5 (commencing with  
15    Section 820) of Chapter 1 shall apply to denial of a license or  
16    registration pursuant to this section.

17    4988.21.     (a) A licensed marriage and family therapist,  
18    marriage and family therapist intern, licensed clinical social  
19    worker, associate clinical social worker, or licensed educational  
20    psychologist whose license or registration has been revoked,  
21    suspended, or placed on probation, may petition the board for  
22    reinstatement or modification of the penalty, including  
23    modification or termination of probation. The petition shall be on  
24    a form provided by the board and shall state any facts and  
25    information as may be required by the board including, but not  
26    limited to, proof of compliance with the terms and conditions of  
27    the underlying disciplinary order. The petition shall be verified  
28    by the petitioner who shall file an original and sufficient copies  
29    of the petition, together with any supporting documents, for the  
30    members of the board, the administrative law judge, and the  
31    Attorney General. The board may delegate to its executive officer  
32    authority to order investigation of the contents of the petition.

33    (b) The licensee or registrant may file the petition on or after  
34    the expiration of the following timeframes, each of which  
35    commences on the effective date of the decision ordering the  
36    disciplinary action or, if the order of the board, or any portion of  
37    it, is stayed by the board itself or by the superior court, from the  
38    date the disciplinary action is actually implemented in its  
39    entirety:

1     (1) *Three years for reinstatement of a license or registration*  
2     *that was revoked for unprofessional conduct, except that the*  
3     *board may, in its sole discretion, specify in its revocation order*  
4     *that a petition for reinstatement may be filed after two years.*

5     (2) *Two years for early termination of any probation period of*  
6     *three years or more.*

7     (3) *One year for modification of a condition, reinstatement of*  
8     *a license or registration revoked for mental or physical illness,*  
9     *or termination of probation of less than three years.*

10    (c) *The petition may be heard by the board itself or the board*  
11    *may assign the petition to an administrative law judge pursuant*  
12    *to Section 11512 of the Government Code.*

13    (d) *The board shall give notice to the Attorney General of the*  
14    *filing of the petition.*

15    (e) *The petitioner may request that the board schedule the*  
16    *hearing on the petition for a board meeting at a specific city*  
17    *where the board regularly meets.*

18    (f) *The petitioner and the Attorney General shall be given*  
19    *timely notice by letter of the time and place of the hearing on the*  
20    *petition and an opportunity to present both oral and*  
21    *documentary evidence and argument to the board or the*  
22    *administrative law judge.*

23    (g) *The petitioner shall at all times have the burden of*  
24    *production and proof to establish by clear and convincing*  
25    *evidence that he or she is entitled to the relief sought in the*  
26    *petition.*

27    (h) *The board, when it is hearing the petition itself, or an*  
28    *administrative law judge sitting for the board, may consider all*  
29    *activities of the petitioner since the disciplinary action was taken,*  
30    *the offense for which the petitioner was disciplined, the*  
31    *petitioner's activities during the time his or her license or*  
32    *registration was in good standing, and the petitioner's*  
33    *rehabilitative efforts, general reputation for truth, and*  
34    *professional ability.*

35    (i) *The hearing may be continued from time to time as the*  
36    *board or the administrative law judge deems appropriate but in*  
37    *no case may the hearing on the petition be delayed more than*  
38    *180 days from its filing without the consent of the petitioner.*

39    (j) *The board itself, or the administrative law judge if one is*  
40    *designated by the board, shall hear the petition and shall prepare*

1 a written decision setting forth the reasons supporting the  
2 decision. In a decision granting a petition reinstating a license or  
3 modifying a penalty, the board itself, or the administrative law  
4 judge, may impose any terms and conditions that the agency  
5 deems reasonably appropriate, including those set forth in  
6 Sections 823 and 4988.23. If a petition is heard by an  
7 administrative law judge sitting alone, the administrative law  
8 judge shall prepare a proposed decision and submit it to the  
9 board. The board may take action with respect to the proposed  
10 decision and petition as it deems appropriate.

11 (k) No petition shall be considered while the petitioner is  
12 under sentence for any criminal offense, including any period  
13 during which the petitioner is on court-imposed probation or  
14 parole or the petitioner is required to register pursuant to  
15 Section 290 of the Penal Code. No petition shall be considered  
16 while there is an accusation or petition to revoke probation  
17 pending against the petitioner.

18 4988.22. (a) Except as otherwise provided in this section, an  
19 accusation filed pursuant to Section 11503 of the Government  
20 Code against a licensee or registrant under the chapters the  
21 board administers and enforces shall be filed within three years  
22 from the date the board discovers the alleged act or omission  
23 that is the basis for disciplinary action or within seven years  
24 from the date the alleged act or omission that is the basis for  
25 disciplinary action occurred, whichever occurs first.

26 (b) An accusation filed against a licensee alleging the  
27 procurement of a license by fraud or misrepresentation is not  
28 subject to the limitations set forth in subdivision (a).

29 (c) The limitations period provided by subdivision (a) shall be  
30 tolled for the length of time required to obtain compliance when  
31 a report required to be filed by the licensee or registrant with the  
32 board pursuant to Article 11 (commencing with Section 800) of  
33 Chapter 1 is not filed in a timely fashion.

34 (d) An accusation alleging sexual misconduct shall be filed  
35 within three years after the board discovers the act or omission  
36 alleged as the grounds for disciplinary action or within 10 years  
37 after the act or omission alleged as the grounds for disciplinary  
38 action occurred, whichever occurs first. This subdivision shall  
39 apply to a complaint alleging sexual misconduct received by the  
40 board on and after January 1, 2002.

1 (e) If an alleged act or omission involves a minor, the  
2 seven-year limitations period provided for by subdivision (a) and  
3 the 10-year limitations period provided for by subdivision (d)  
4 shall be tolled until the minor reaches the age of majority.

5 (f) The limitations period provided by subdivision (a) shall be  
6 tolled during any period if material evidence necessary for  
7 prosecuting or determining whether a disciplinary action would  
8 be appropriate is unavailable to the board due to an ongoing  
9 criminal investigation.

10 (g) For purposes of this section, “discovers” means the latest  
11 of the occurrence of any of the following with respect to each act  
12 or omission alleged as the basis for disciplinary action:

13 (1) The date the board received a complaint or report  
14 describing the act or omission.

15 (2) The date, subsequent to the original complaint or report,  
16 on which the board became aware of any additional acts or  
17 omissions alleged as the basis for disciplinary action against the  
18 same individual.

19 (3) The date the board receives from the complainant a written  
20 release of information pertaining to the complainant’s diagnosis  
21 and treatment.

22 4988.23. (a) The board may place a license or registration  
23 issued under the chapters it administers and enforces on  
24 probation under the following circumstances:

25 (1) In lieu of, or in addition to, any order of the board  
26 suspending or revoking the license or registration.

27 (2) Upon the issuance of a license or registration to an  
28 individual who has been guilty of unprofessional conduct but  
29 who otherwise completed all education, training, and experience  
30 required for licensure or registration.

31 (3) As a condition upon the reissuance or reinstatement of a  
32 license or registration that has been suspended or revoked by the  
33 board.

34 (b) The board may adopt regulations establishing a  
35 monitoring program to ensure compliance with any terms or  
36 conditions of probation imposed by the board pursuant to  
37 subdivision (a). The cost of probation or monitoring may be  
38 ordered to be paid by the licensee or registrant.

39 4988.24. The board, in its discretion, may require a licensee  
40 or registrant whose license or registration has been placed on

1 *probation or whose license or registration has been suspended,*  
2 *to obtain additional professional training and to pass an*  
3 *examination upon completion of that training and to pay any*  
4 *necessary examination fee. The examination may be written,*  
5 *oral, or a practical or clinical examination.*

6 *4988.25. The board may deny an application or may suspend*  
7 *or revoke a license or registration issued under the chapters it*  
8 *administers and enforces for any disciplinary action imposed by*  
9 *another state or territory or possession of the United States, or*  
10 *by a governmental agency. The disciplinary action, which may*  
11 *include denial of licensure or revocation or suspension of the*  
12 *license or imposition of restrictions on it, constitutes*  
13 *unprofessional conduct. A certified copy of the disciplinary*  
14 *action decision or judgment shall be conclusive evidence of that*  
15 *action.*

16 *4988.26. The board shall revoke a license or registration*  
17 *issued under the chapters it administers and enforces upon a*  
18 *decision made in accordance with the procedures set forth in*  
19 *Chapter 5 (commencing with Section 11500) of Part 1 of*  
20 *Division 3 of Title 2 of the Government Code, that contains a*  
21 *finding of fact that the licensee or registrant engaged in an act of*  
22 *sexual contact, as defined in Section 729, when that act is with a*  
23 *patient or with a former patient when the relationship was*  
24 *terminated primarily for the purpose of engaging in that act. The*  
25 *revocation shall not be stayed by the administrative law judge or*  
26 *the board.*

27 *4988.27. The proceedings under this article shall be*  
28 *conducted in accordance with Chapter 5 (commencing with*  
29 *Section 11500) of Part 1 of Division 3 of Title 2 of the*  
30 *Government Code.*

31 *SEC. 21. Section 4990 of the Business and Professions Code*  
32 *is amended to read:*

33 *4990. This chapter of the Business and Professions Code*  
34 *constitutes the chapter on social workers, and it shall be known*  
35 *and may be cite as, the Clinical Social Worker Practice Act. It is*  
36 *to be liberally construed to effect its objectives.*

37 *SEC. 22. Section 4990.1 of the Business and Professions*  
38 *Code is repealed.*

39 ~~*4990.1. There is in the Department of Consumer Affairs a*~~  
40 ~~*Board of Behavioral Sciences which consists of 11 members.*~~

1    ~~This section shall become inoperative on July 1, 2008, and, as~~  
2    ~~of January 1, 2009, is repealed, unless a later enacted statute,~~  
3    ~~which becomes effective on or before January 1, 2009, deletes or~~  
4    ~~extends the dates on which it becomes inoperative and is~~  
5    ~~repealed.~~

6    *SEC. 23. Section 4990.2 of the Business and Professions*  
7    *Code is repealed.*

8    ~~4990.2. Wherever “Board of Social Work Examiners of the~~  
9    ~~State of California” or “Social Worker and Marriage Counselor~~  
10    ~~Qualifications Board of the State of California” is used in any~~  
11    ~~law or regulations of this state it shall mean the Board of~~  
12    ~~Behavioral Sciences.~~

13    *SEC. 24. Section 4990.3 of the Business and Professions*  
14    *Code is repealed.*

15    ~~4990.3. Two members of the board shall be state-licensed~~  
16    ~~clinical social workers, one shall be a licensed educational~~  
17    ~~psychologist, two shall be state-licensed marriage and family~~  
18    ~~therapists, and six shall be public members. Each member,~~  
19    ~~except the six public members, shall hold at least a master’s~~  
20    ~~degree from an accredited college or university and shall have at~~  
21    ~~least two years of experience in his or her profession.~~

22    *SEC. 25. Section 4990.5 of the Business and Professions*  
23    *Code is repealed.*

24    ~~4990.5. Each member of the board, except the members first~~  
25    ~~appointed, shall be appointed for a term of four years and shall~~  
26    ~~hold office until the appointment and qualification of his or her~~  
27    ~~successor or until one year shall have elapsed since the expiration~~  
28    ~~of the term for which he or she was appointed, whichever first~~  
29    ~~occurs. Vacancies occurring shall be filled by appointment for~~  
30    ~~the unexpired term.~~

31    ~~The Governor shall appoint four of the public members and the~~  
32    ~~five licensed members qualified as provided in Section 4990.3~~  
33    ~~with the advice and consent of the Senate. The Senate Rules~~  
34    ~~Committee and the Speaker of the Assembly shall each appoint a~~  
35    ~~public member, and their initial appointment shall be made to~~  
36    ~~fill, respectively, the first and second public member vacancies~~  
37    ~~which occur on or after January 1, 1983.~~

38    *SEC. 26. Section 4990.6 of the Business and Professions*  
39    *Code is repealed.*

1     ~~4990.6. Not later than the first of March of each calendar~~  
2     ~~year, the board shall elect a chairperson and a vice chairperson~~  
3     ~~from its membership.~~

4     ~~SEC. 27. Section 4990.7 of the Business and Professions~~  
5     ~~Code is repealed.~~

6     ~~4990.7. The board shall appoint an executive officer, which~~  
7     ~~position is hereby designated as a confidential position and~~  
8     ~~exempt from civil service under subdivision (e) of Section 4 of~~  
9     ~~Article VII of the California Constitution.~~

10    ~~The executive officer shall have the same qualifications~~  
11    ~~required of a member of the board, and shall serve at its pleasure.~~

12    ~~SEC. 28. Section 4990.8 of the Business and Professions~~  
13    ~~Code is repealed.~~

14    ~~4990.8. The executive officer shall exercise the powers and~~  
15    ~~perform the duties delegated by the board and vested in him or~~  
16    ~~her by this chapter.~~

17    ~~This section shall become inoperative on July 1, 2008, and, as~~  
18    ~~of January 1, 2009, is repealed, unless a later enacted statute,~~  
19    ~~which becomes effective on or before January 1, 2009, deletes or~~  
20    ~~extends the dates on which it becomes inoperative and is~~  
21    ~~repealed.~~

22    ~~SEC. 29. Section 4990.9 of the Business and Professions~~  
23    ~~Code is repealed.~~

24    ~~4990.9. With the approval of the Director of Consumer~~  
25    ~~Affairs, the board shall fix the salary of the executive officer.~~

26    ~~SEC. 30. Section 4990.10 of the Business and Professions~~  
27    ~~Code is repealed.~~

28    ~~4990.10. Subject to the State Civil Service Act and Section~~  
29    ~~159.5, the board may employ such clerical, technical, and other~~  
30    ~~assistants as it deems necessary, within budget limitations.~~

31    ~~SEC. 31. Section 4990.11 of the Business and Professions~~  
32    ~~Code is repealed.~~

33    ~~4990.11. The board shall keep an accurate record of all of its~~  
34    ~~proceedings and a register of all applicants for licenses and of all~~  
35    ~~individuals to whom a license as a licensed clinical social worker~~  
36    ~~is issued.~~

37    ~~SEC. 32. Section 4990.12 of the Business and Professions~~  
38    ~~Code is repealed.~~

39    ~~4990.12. The board may conduct research in, and make~~  
40    ~~studies of problems involved in, the maintaining of professional~~

standards among those engaged in social service work in California and may publish its recommendations thereon.

*SEC. 33. Section 4990.125 of the Business and Professions Code is repealed.*

~~4990.125. Protection of the public shall be the highest priority for the Board of Behavioral Sciences in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.~~

*SEC. 34. Section 4990.13 of the Business and Professions Code is repealed.*

~~4990.13. The duty of enforcing this chapter is vested in the board and the executive officer subject to and under the direction of the board.~~

~~In the performance of this duty, the board and the executive officer have all the powers and are subject to all the responsibilities vested in and imposed upon the head of a department by Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.~~

*SEC. 35. Section 4990.14 of the Business and Professions Code is repealed.*

~~4990.14. The board may make such rules and regulations as may be necessary for the enforcement of this chapter and may by rule and regulation prescribe the qualifications for licensure.~~

*SEC. 36. Section 4990.15 of the Business and Professions Code is repealed.*

~~4990.15. The board shall have and use a seal bearing the words "The Board of Behavioral Sciences," and shall otherwise conform to Section 107.5.~~

*SEC. 37. Section 4990.16 of the Business and Professions Code is repealed.*

~~4990.16. Each member of the board shall receive a per diem and expenses as provided in Section 103.~~

*SEC. 38. Section 4992.31 of the Business and Professions Code is repealed.*

~~4992.31. (a) Except as provided in subdivisions (b), (c), and (e), any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the~~

~~1 date the alleged act or omission that is the basis for disciplinary  
2 action occurred, whichever occurs first.~~

~~3 (b) An accusation filed against a licensee pursuant to Section  
4 11503 of the Government Code alleging the procurement of a  
5 license by fraud or misrepresentation is not subject to the  
6 limitations set forth in subdivision (a).~~

~~7 (c) The limitation provided for by subdivision (a) shall be  
8 tolled for the length of time required to obtain compliance when  
9 a report required to be filed by the licensee or registrant with the  
10 board pursuant to Article 11 (commencing with Section 800) of  
11 Chapter 1 is not filed in a timely fashion.~~

~~12 (d) If an alleged act or omission involves a minor, the  
13 seven-year limitations period provided for by subdivision (a) and  
14 the 10-year limitations period provided for by subdivision (e)  
15 shall be tolled until the minor reaches the age of majority.~~

~~16 (e) An accusation filed against a licensee pursuant to Section  
17 11503 of the Government Code alleging sexual misconduct shall  
18 be filed within three years after the board discovers the act or  
19 omission alleged as the ground for disciplinary action, or within  
20 10 years after the act or omission alleged as the ground for  
21 disciplinary action occurs, whichever occurs first. This  
22 subdivision shall apply to a complaint alleging sexual  
23 misconduct received by the board on and after January 1, 2002.~~

~~24 (f) The limitations period provided by subdivision (a) shall be  
25 tolled during any period if material evidence necessary for  
26 prosecuting or determining whether a disciplinary action would  
27 be appropriate is unavailable to the board due to an ongoing  
28 criminal investigation.~~

~~29 (g) For purposes of this section, “discovers” means the later of  
30 the occurrence of any of the following with respect to each act or  
31 omission alleged as the basis for disciplinary action:~~

~~32 (1) The date the board received a complaint or report  
33 describing the act or omission.~~

~~34 (2) The date, subsequent to the original complaint or report, on  
35 which the board became aware of any additional acts or  
36 omissions alleged as the basis for disciplinary action against the  
37 same individual.~~

~~38 (3) The date the board receives from the complainant a written  
39 release of information pertaining to the complainant’s diagnosis  
40 and treatment.~~

1     *SEC. 39. Section 4994 of the Business and Professions Code*  
2     *is repealed.*

3     ~~4994. All moneys in the Behavioral Sciences Fund shall be~~  
4     ~~expended by the board for the purposes of the programs under its~~  
5     ~~jurisdiction.~~

6     *SEC. 40. Section 4996.26 of the Business and Professions*  
7     *Code is amended to read:*

8     4996.26. (a) A licensee who began graduate study prior to  
9     January 1, 2004, shall complete a three-hour continuing  
10    education course in aging and long-term care during his or her  
11    first renewal period after the operative date of this section, and  
12    shall submit to the board evidence acceptable to the board of the  
13    person's satisfactory completion of the course.

14    (b) The course shall include, but is not limited to, the  
15    *following:*

16    (1) *The biological, social, and psychological aspects of aging.*

17    (2) *Informational resources regarding long-term care that*  
18    ~~*include a wide range of supportive health and social services for*~~  
19    ~~*older adults and for adults with disabilities in a variety of home*~~  
20    ~~*and community-based settings.*~~

21    (c) Any person seeking to meet the requirements of  
22    subdivision (a) of this section may submit to the board a  
23    certificate evidencing completion of equivalent courses in aging  
24    and long-term care taken prior to the operative date of this  
25    section, or proof of equivalent teaching or practice experience.  
26    The board, in its discretion, may accept that certification as  
27    meeting the requirements of this section.

28    (d) The board may not renew an applicant's license until the  
29    applicant has met the requirements of this section.

30    (e) Continuing education courses taken pursuant to this section  
31    shall be applied to the 36 hours of approved continuing education  
32    required in Section 4996.22.

33    (f) This section shall become operative on January 1, 2005.

34    *SEC. 41. Section 4998.6 of the Business and Professions*  
35    *Code is repealed.*

36    ~~4998.6. The board may formulate and enforce rules and~~  
37    ~~regulations to carry out the purposes and objectives of this~~  
38    ~~article, including rules and regulations requiring (a) that the~~  
39    ~~articles of incorporation or bylaws of a licensed clinical social~~  
40    ~~worker corporation shall include a provision whereby the capital~~

~~1 stock of that corporation owned by a disqualified person, as  
2 defined in the Moscone-Knox Professional Corporation Act, or a  
3 deceased person shall be sold to the corporation or to the  
4 remaining shareholders of that corporation within the time that  
5 the rules and regulations may provide, and (b) that a licensed  
6 clinical social worker corporation shall provide adequate security  
7 by insurance or otherwise for claims against it by its patients  
8 arising out of the rendering of professional services.~~

9 *SEC. 42. Section 1812.501 of the Civil Code is amended to*  
10 *read:*

11 1812.501. (a) The term “employment agency” or “agency”  
12 means:

13 (1) ~~Any~~—A person who, for a fee or other valuable  
14 consideration to be paid, directly or indirectly by a jobseeker,  
15 performs, offers to perform, or represents it can or will perform  
16 any of the following services:

17 (A) Procures, offers, promises, or attempts to procure  
18 employment or engagements for others or employees for  
19 employers.

20 (B) Registers persons seeking to procure or retain employment  
21 or engagement.

22 (C) Gives information as to where and from whom this help,  
23 employment, or engagement may be procured.

24 (D) Provides employment or engagements.

25 The term “employment agency” or “agency” shall not mean or  
26 include any employment counseling service or any job listing  
27 service.

28 (2) ~~Any~~—A person who offers, as one of its main objects or  
29 purposes, to procure employment for any person who will pay for  
30 its services, or that collects dues, tuition, or membership or  
31 registration fees of any sort, ~~where if~~ the main object of the  
32 person paying the same is to secure employment.

33 (3) ~~Any~~—A person who, for a fee or other valuable  
34 consideration, procures, offers, promises, provides, or attempts to  
35 procure babysitting or domestic employment for others or  
36 domestics or babysitters for others.

37 (b) (1) The term “employment counseling service” means ~~any~~  
38 a person who offers, advertises, or represents it can or will  
39 provide any of the following services for a fee: career counseling,  
40 vocational guidance, aptitude testing, executive consulting,

1 personnel consulting, career management, evaluation, or  
2 planning, or the development of resumés and other promotional  
3 materials relating to the preparation for employment. The term  
4 “employment counseling service” shall not mean or include  
5 persons who provide services strictly on an hourly basis with no  
6 financial obligation required of the consumer beyond the hourly  
7 fee for services rendered. An “employment counseling service”  
8 does not include the functions of an “employment agency” as  
9 defined in subdivision (a).

10 (2) The term “employment counseling service” does not  
11 include:

12 (A) Businesses~~which~~ *that* are retained by, act solely on behalf  
13 of, and are compensated solely by prior or current employers  
14 ~~which~~ *that* do not require any “customer” to sign a contract and  
15 do not in any way hold any “customer” liable for fees.

16 (B) ~~Any~~ A provider of vocational rehabilitation in which the  
17 counseling services are paid for by insurance benefits, where the  
18 counseling is provided as a result of marital dissolution or  
19 separation proceedings to prepare one of the spouses for reentry  
20 into the job market and where the fees are paid by some party  
21 other than the person receiving the counseling services.

22 The exemption provided in this subparagraph does not apply to  
23 ~~any~~ a vocational rehabilitation counselor who receives any  
24 payments directly from the individual customer receiving the  
25 counseling.

26 (C) ~~Any~~ A person who engages solely in the preparation of  
27 resumés and cover letters, ~~provided that~~ *if* the resumé writing  
28 service does not advertise or hold itself out as offering other job  
29 seeking or placement services and does not charge more than  
30 three hundred dollars (\$300) for any resumé, cover letter, or  
31 combination of both to any single customer in any individual  
32 transaction.

33 (D) ~~Any~~ A public educational institution.

34 (E) ~~Any~~ A private educational institution established solely for  
35 educational purposes~~which~~ *that*, as a part of its curriculum,  
36 offers employment counseling to its student body and which  
37 institution conforms to the requirements of Article—4 8  
38 (commencing with Section ~~94760~~ 94900) of Chapter 7 of Part  
39 59 of the Education Code.

1 (F) A psychologist or psychological corporation licensed  
2 pursuant to Chapter 6.6 (commencing with Section 2900) of  
3 Division 2 of the Business and Professions Code, providing  
4 psychological assessment, career or occupational counseling, or  
5 consultation and related professional services within their scope  
6 of practice.

7 (G) Educational psychologists licensed pursuant to ~~Article 5~~  
8 ~~Chapter 13.5~~ (commencing with Section ~~4986~~) of ~~Chapter 13~~  
9 ~~4987~~) of Division 2 of the Business and Professions Code,  
10 providing counseling services within their scope of practice.

11 (c) The term “job listing service” means ~~any~~ a person who  
12 provides, offers, or represents it can or will provide any of the  
13 following services, for a fee or other valuable consideration to be  
14 paid, directly or indirectly, by the jobseeker in advance of, or  
15 contemporaneously with, performance of these services: matches  
16 jobseekers with employment opportunities, providing or offering  
17 to provide jobseekers lists of employers or lists of job openings  
18 or like publications, or preparing resumés or lists of jobseekers  
19 for distribution to potential employers.

20 (d) A “nurses’ registry” as defined in subdivision (b) of  
21 Section 1812.524 is an employment agency. However, unless  
22 otherwise provided for in this title, a nurses’ registry shall not be  
23 required to comply with Chapter 2 (commencing with Section  
24 1812.503) regulating employment agencies but, instead, shall be  
25 required to comply with Chapter 7 (commencing with Section  
26 1812.524).

27 (e) “Jobseeker” means a person seeking employment.

28 (f) “Employer” means ~~any~~ an individual, company,  
29 partnership, association, corporation, agent, employee, or  
30 representative for whom or for which an employment agency or  
31 job listing service attempts to obtain an employee or to place a  
32 jobseeker.

33 (g) “Job order” means ~~any~~ a written or oral instruction,  
34 direction, or permission granted by an employer or its agent to an  
35 employment agency or job listing service to refer jobseekers for  
36 a specified job.

37 (h) “Domestic agency” means ~~any~~ an agency that provides, or  
38 attempts to provide, employment by placement of domestic help  
39 in private homes.

1 (i) “Deposit” means any money or valuable consideration  
2 received by an employment agency or job listing service from a  
3 jobseeker for referring the jobseeker to a position of employment  
4 prior to the jobseeker’s acceptance of a position.

5 (j) “Fee” means:

6 (1) Any money or other valuable consideration paid, or  
7 promised to be paid, for services rendered or to be rendered by  
8 any person conducting an employment agency, employment  
9 counseling service, or job listing service under this title.

10 (2) Any money received by any person in excess of that which  
11 has been paid out by him or her for transportation, transfer of  
12 baggage, or board and lodging for any applicant for employment.

13 (k) “Registration fee” means any charge made, or attempted to  
14 be made, by an employment agency for registering or listing an  
15 applicant for employment, for letter writing, or any charge of a  
16 like nature made, or attempted to be made without having a bona  
17 fide order for the placement of the applicant in a position.

18 (l) “Person” means ~~any~~ *an* individual, corporation, partnership,  
19 limited liability company, trust, association, or other  
20 organization.

21 ~~(m) This section shall become operative on January 1, 1997.~~

22 *SEC. 43. Section 1010 of the Evidence Code is amended to*  
23 *read:*

24 1010. As used in this article, “psychotherapist” means a  
25 person who is, or is reasonably believed by the patient to be:

26 (a) A person authorized to practice medicine in any state or  
27 nation who devotes, or is reasonably believed by the patient to  
28 devote, a substantial portion of his or her time to the practice of  
29 psychiatry.

30 (b) A person licensed as a psychologist under Chapter 6.6  
31 (commencing with Section 2900) of Division 2 of the Business  
32 and Professions Code.

33 (c) A person licensed as a clinical social worker under Article  
34 4 (commencing with Section 4996) of Chapter 14 of Division 2  
35 of the Business and Professions Code, when he or she is engaged  
36 in applied psychotherapy of a nonmedical nature.

37 (d) A person who is serving as a school psychologist and holds  
38 a credential authorizing that service issued by the state.

1 (e) A person licensed as a marriage and family therapist under  
2 Chapter 13 (commencing with Section 4980) of Division 2 of the  
3 Business and Professions Code.

4 (f) A person registered as a psychological assistant who is  
5 under the supervision of a licensed psychologist or board  
6 certified psychiatrist as required by Section 2913 of the Business  
7 and Professions Code, or a person registered as a marriage and  
8 family therapist intern who is under the supervision of a licensed  
9 marriage and family therapist, a licensed clinical social worker, a  
10 licensed psychologist, or a licensed physician *and surgeon*  
11 certified in psychiatry, as specified in *Article 2 (commencing*  
12 *with Section 4980.44 4981) of Chapter 13 of Division 2* of the  
13 Business and Professions Code.

14 (g) A person registered as an associate clinical social worker  
15 who is under the supervision of a licensed clinical social worker,  
16 a licensed psychologist, or a board certified psychiatrist as  
17 required by Section 4996.20 or 4996.21 of the Business and  
18 Professions Code.

19 (h) A person exempt from the Psychology Licensing Law  
20 pursuant to subdivision (d) of Section 2909 of the Business and  
21 Professions Code who is under the supervision of a licensed  
22 psychologist or board certified psychiatrist.

23 (i) A psychological intern as defined in Section 2911 of the  
24 Business and Professions Code who is under the supervision of a  
25 licensed psychologist or board certified psychiatrist.

26 (j) A trainee, as defined in subdivision ~~(e)~~ (h) of Section  
27 ~~4980.03 4980.02~~ of the Business and Professions Code, who is  
28 fulfilling his or her supervised practicum required by  
29 *subparagraph (B) of paragraph (2) of* subdivision ~~(b)~~ (a) of  
30 Section ~~4980.40 4981.02~~ of the Business and Professions Code  
31 and is supervised by a licensed psychologist, board certified  
32 psychiatrist, a licensed clinical social worker, or a licensed  
33 marriage and family therapist.

34 (k) A person licensed as a registered nurse pursuant to Chapter  
35 6 (commencing with Section 2700) of Division 2 of the Business  
36 and Professions Code, who possesses a master's degree in  
37 psychiatric-mental health nursing and is listed as a  
38 psychiatric-mental health nurse by the Board of Registered  
39 Nursing.

1 (l) An advanced practice registered nurse who is certified as a  
2 clinical nurse specialist pursuant to Article 9 (commencing with  
3 Section 2838) of Chapter 6 of Division 2 of the Business and  
4 Professions Code and who participates in expert clinical practice  
5 in the specialty of psychiatric-mental health nursing.

6 (m) A person rendering mental health treatment or counseling  
7 services as authorized pursuant to Section 6924 of the Family  
8 Code.

9 *SEC. 44. Section 1010.5 of the Evidence Code is amended to*  
10 *read:*

11 1010.5. A communication between a patient and an  
12 educational psychologist, licensed under ~~Article 5 Chapter 13.5~~  
13 (commencing with Section ~~4986~~) of ~~Chapter 13~~ 4987) of  
14 Division 2 of the Business and Professions Code, shall be  
15 privileged to the same extent, and subject to the same limitations,  
16 as a communication between a patient and a psychotherapist  
17 described in subdivisions (c), (d), and (e) of Section 1010.

18 *SEC. 45. Section 1014 of the Evidence Code is amended to*  
19 *read:*

20 1014. Subject to Section 912 and except as otherwise  
21 provided in this article, the patient, whether or not a party, has a  
22 privilege to refuse to disclose, and to prevent another from  
23 disclosing, a confidential communication between patient and  
24 psychotherapist if the privilege is claimed by:

25 (a) The holder of the privilege.

26 (b) A person who is authorized to claim the privilege by the  
27 holder of the privilege.

28 (c) The person who was the psychotherapist at the time of the  
29 confidential communication, but the person may not claim the  
30 privilege if there is no holder of the privilege in existence or if he  
31 or she is otherwise instructed by a person authorized to permit  
32 disclosure.

33 The relationship of a psychotherapist and patient shall exist  
34 between a psychological corporation as defined in Article 9  
35 (commencing with Section 2995) of Chapter 6.6 of Division 2 of  
36 the Business and Professions Code, a marriage and family  
37 therapy corporation as defined in Article ~~6~~ 7 (commencing with  
38 Section ~~4987.5~~) 4986) of Chapter 13 of Division 2 of the  
39 Business and Professions Code, or a licensed clinical social  
40 workers corporation as defined in Article 5 (commencing with

1 Section 4998) of Chapter 14 of Division 2 of the Business and  
2 Professions Code, and the patient to whom it renders professional  
3 services, as well as between those patients and psychotherapists  
4 employed by those corporations to render services to those  
5 patients. The word “persons” as used in this subdivision includes  
6 partnerships, corporations, limited liability companies,  
7 associations and other groups and entities.

8 *SEC. 46. Section 6924 of the Family Code is amended to*  
9 *read:*

10 6924. (a) As used in this section:

11 (1) “Mental health treatment or counseling services” means  
12 the provision of mental health treatment or counseling on an  
13 outpatient basis by any of the following:

14 (A) A governmental agency.

15 (B) A person or agency having a contract with a governmental  
16 agency to provide the services.

17 (C) An agency that receives funding from community united  
18 funds.

19 (D) A runaway house or crisis resolution center.

20 (E) A professional person, as defined in paragraph (2).

21 (2) “Professional person” means any of the following:

22 (A) A person designated as a mental health professional in  
23 Sections 622 to 626, inclusive, of Article 8 of Subchapter 3 of  
24 Chapter 1 of Title 9 of the California Code of Regulations.

25 (B) A marriage and family therapist as defined in Chapter 13  
26 (commencing with Section 4980) of Division 2 of the Business  
27 and Professions Code.

28 (C) A licensed educational psychologist as defined in ~~Article 5~~  
29 ~~Chapter 13.5~~ (commencing with Section ~~4986~~) of ~~Chapter 13~~  
30 ~~4987~~) of Division 2 of the Business and Professions Code.

31 (D) A credentialed school psychologist as described in Section  
32 49424 of the Education Code.

33 (E) A clinical psychologist as defined in Section 1316.5 of the  
34 Health and Safety Code.

35 (F) The chief administrator of an agency referred to in  
36 paragraph (1) or (3).

37 (G) A marriage and family therapist registered intern, as  
38 defined in Chapter 13 (commencing with Section 4980) of  
39 Division 2 of the Business and Professions Code, while working  
40 under the supervision of a licensed professional specified in

1 subdivision ~~(f)~~ (a) of Section ~~4980.40~~ 4981.11 of the Business  
2 and Professions Code.

3 (3) “Residential shelter services” means any of the following:

4 (A) The provision of residential and other support services to  
5 minors on a temporary or emergency basis in a facility that  
6 services only minors by a governmental agency, a person or  
7 agency having a contract with a governmental agency to provide  
8 these services, an agency that receives funding from community  
9 funds, or a licensed community care facility or crisis resolution  
10 center.

11 (B) The provision of other support services on a temporary or  
12 emergency basis by any professional person as defined in  
13 paragraph (2).

14 (b) A minor who is 12 years of age or older may consent to  
15 mental health treatment or counseling on an outpatient basis, or  
16 to residential shelter services, if both of the following  
17 requirements are satisfied:

18 (1) The minor, in the opinion of the attending professional  
19 person, is mature enough to participate intelligently in the  
20 outpatient services or residential shelter services.

21 (2) The minor (A) would present a danger of serious physical  
22 or mental harm to self or to others without the mental health  
23 treatment or counseling or residential shelter services, or (B) is  
24 the alleged victim of incest or child abuse.

25 (c) A professional person offering residential shelter services,  
26 whether as an individual or as a representative of an entity  
27 specified in paragraph (3) of subdivision (a), shall make his or  
28 her best efforts to notify the parent or guardian of the provision  
29 of services.

30 (d) The mental health treatment or counseling of a minor  
31 authorized by this section shall include involvement of the  
32 minor’s parent or guardian unless, in the opinion of the  
33 professional person who is treating or counseling the minor, the  
34 involvement would be inappropriate. The professional person  
35 who is treating or counseling the minor shall state in the client  
36 record whether and when the person attempted to contact the  
37 minor’s parent or guardian, and whether the attempt to contact  
38 was successful or unsuccessful, or the reason why, in the  
39 professional person’s opinion, it would be inappropriate to  
40 contact the minor’s parent or guardian.

(e) The minor's parents or guardian are not liable for payment for mental health treatment or counseling services provided pursuant to this section unless the parent or guardian participates in the mental health treatment or counseling, and then only for services rendered with the participation of the parent or guardian. The minor's parents or guardian are not liable for payment for any residential shelter services provided pursuant to this section unless the parent or guardian consented to the provision of those services.

(f) This section does not authorize a minor to receive convulsive therapy or psychosurgery as defined in subdivisions (f) and (g) of Section 5325 of the Welfare and Institutions Code, or psychotropic drugs without the consent of the minor's parent or guardian.

*SEC. 47. Section 6929 of the Family Code is amended to read:*

6929. (a) As used in this section:

(1) "Counseling" means the provision of counseling services by a provider under a contract with the state or a county to provide alcohol or drug abuse counseling services pursuant to Part 2 (commencing with Section 5600) of Division 5 of the Welfare and Institutions Code or pursuant to Division 10.5 (commencing with Section 11750) of the Health and Safety Code.

(2) "Drug or alcohol" includes, but is not limited to, any substance listed in any of the following:

(A) Section 380 or 381 of the Penal Code.

(B) Division 10 (commencing with Section 11000) of the Health and Safety Code.

(C) Subdivision (f) of Section 647 of the Penal Code.

(3) "LAAM" means levoalphacetylmethadol as specified in paragraph (10) of subdivision (c) of Section 11055 of the Health and Safety Code.

(4) "Professional person" means a physician and surgeon, registered nurse, psychologist, clinical social worker, marriage and family therapist, marriage and family therapist registered intern when appropriately employed and supervised pursuant to ~~subdivision (f) of Article 2 (commencing with Section 4980.40~~ 4981) of Chapter 13 of Division 2 of the Business and Professions Code, psychological assistant when appropriately

1 employed and supervised pursuant to Section 2913 of the  
2 Business and Professions Code, or associate clinical social  
3 worker when appropriately employed and supervised pursuant to  
4 Section 4996.18 of the Business and Professions Code.

5 (b) A minor who is 12 years of age or older may consent to  
6 medical care and counseling relating to the diagnosis and  
7 treatment of a drug- or alcohol-related problem.

8 (c) The treatment plan of a minor authorized by this section  
9 shall include the involvement of the minor's parent or guardian,  
10 if appropriate, as determined by the professional person or  
11 treatment facility treating the minor. The professional person  
12 providing medical care or counseling to a minor shall state in the  
13 minor's treatment record whether and when the professional  
14 person attempted to contact the minor's parent or guardian, and  
15 whether the attempt to contact the parent or guardian was  
16 successful or unsuccessful, or the reason why, in the opinion of  
17 the professional person, it would not be appropriate to contact the  
18 minor's parent or guardian.

19 (d) The minor's parent or guardian is not liable for payment  
20 for any care provided to a minor pursuant to this section, except  
21 that if the minor's parent or guardian participates in a counseling  
22 program pursuant to this section, the parent or guardian is liable  
23 for the cost of the services provided to the minor and the parent  
24 or guardian.

25 (e) This section does not authorize a minor to receive  
26 replacement narcotic abuse treatment, in a program licensed  
27 pursuant to Article 3 (commencing with Section 11875) of  
28 Chapter 1 of Part 3 of Division 10.5 of the Health and Safety  
29 Code, without the consent of the minor's parent or guardian.

30 (f) It is the intent of the Legislature that the state shall respect  
31 the right of a parent or legal guardian to seek medical care and  
32 counseling for a drug- or alcohol-related problem of a minor  
33 child when the child does not consent to the medical care and  
34 counseling, and nothing in this section shall be construed to  
35 restrict or eliminate this right.

36 (g) Notwithstanding any other provision of law, in cases where  
37 a parent or legal guardian has sought the medical care and  
38 counseling for a drug- or alcohol-related problem of a minor  
39 child, the physician shall disclose medical information  
40 concerning the care to the minor's parent or legal guardian upon

1 his or her request, even if the minor child does not consent to  
2 disclosure, without liability for the disclosure.

3 *SEC. 48. Section 6276.18 of the Government Code is*  
4 *amended to read:*

5 6276.18. Family counselor and client, confidential  
6 information, Section ~~4982~~ 4984, Business and Professions Code.

7 Family Court, records, Section 1818, Family Law Code.

8 Farm product processor license, confidentiality of financial  
9 statements, Section 55523.6, Food and Agricultural Code.

10 Farm product processor licensee, confidentiality of grape  
11 purchases, Section 55601.5, Food and Agricultural Code.

12 Fee payer information, prohibition against disclosure by Board  
13 of Equalization and others, Section 55381, Revenue and Taxation  
14 Code.

15 Financial institutions, issuance of securities, reports and  
16 records of state agencies, subdivision (d), Section 6254,  
17 Government Code.

18 Financial records, confidentiality of, Sections 7470, 7471, and  
19 7473, Government Code.

20 Financial statements of insurers, confidentiality of information  
21 received, Section 925.3, Insurance Code.

22 Financial statements and questionnaires, of prospective bidders  
23 for the state, confidentiality of, Section 10165, Public Contract  
24 Code.

25 Financial statements and questionnaires, of prospective bidders  
26 for California State University contracts, confidentiality of,  
27 Section 10763, Public Contract Code.

28 Firearm license applications, subdivision (u), Section 6254,  
29 Government Code.

30 Firearm sale or transfer, confidentiality of records, Section  
31 12082, Penal Code.

32 Firefighters Service Award, confidentiality of data filed with  
33 the Board of Administration of the Public Employees'  
34 Retirement System, Section 50955, Government Code.

35 Fish and wildlife law enforcement agreements with other  
36 states, confidentiality of information, Section 391, Fish and  
37 Game Code.

38 Fish and wildlife taken illegally, public record status of records  
39 of case, Section 2584, Fish and Game Code.

1 Food stamps, disclosure of information, Section 18909,  
2 Welfare and Institutions Code.

3 Foreign marketing of agricultural products, confidentiality of  
4 financial information, Section 58577, Food and Agricultural  
5 Code.

6 Forest fires, anonymity of informants, Section 4417, Public  
7 Resources Code.

8 Foster homes, identifying information, Section 1536, Health  
9 and Safety Code.

10 Franchise Tax Board, access to Franchise Tax Board  
11 information by the State Department of Social Services, Section  
12 11025, Welfare and Institutions Code.

13 Franchise Tax Board, auditing, confidentiality of, Section  
14 90005, Government Code.

15 Franchises, applications, and reports filed with Commissioner  
16 of Corporations, disclosure and withholding from public  
17 inspection, Section 31504, Corporations Code.

18 Fur dealer licensee, confidentiality of records, Section 4041,  
19 Fish and Game Code.

20 *SEC. 49. Section 1277 of the Health and Safety Code is*  
21 *amended to read:*

22 1277. (a) No license shall be issued by the state department  
23 unless it finds that the premises, the management, the bylaws,  
24 rules and regulations, the equipment, the staffing, both  
25 professional and nonprofessional, and the standards of care and  
26 services are adequate and appropriate, and that the health facility  
27 is operated in the manner required by this chapter and by the  
28 rules and regulations adopted hereunder.

29 (b) Notwithstanding any provision of Part 2 (commencing  
30 with Section 5600) of Division 5 of, or Division 7 (commencing  
31 with Section 7100) of, the Welfare and Institutions Code or any  
32 other law to the contrary, except Sections 2072 and 2073 of the  
33 Business and Professions Code, the licensure requirements for  
34 professional personnel, including, but not limited to, physicians  
35 and surgeons, dentists, podiatrists, psychologists, marriage and  
36 family therapists, pharmacists, registered nurses, and clinical  
37 social workers in the state and other governmental health  
38 facilities licensed by the state department shall not be less than  
39 for those professional personnel in health facilities under private  
40 ownership. Persons employed as psychologists and clinical social

1 workers, while continuing in their employment in the same class  
2 as of January 1, 1979, in the same state or other governmental  
3 health facility licensed by the state department, including those  
4 persons on authorized leave, but not including intermittent  
5 personnel, shall be exempt from the requirements of this  
6 subdivision. Additionally, the requirements of this subdivision  
7 may be waived by the state department solely for persons in the  
8 professions of psychology, marriage and family therapy or  
9 clinical social work who are gaining qualifying experience for  
10 licensure in such profession in this state. A waiver granted  
11 pursuant to this subdivision shall not exceed three years from the  
12 date the employment commences in this state in the case of  
13 psychologists, or four years from commencement of the  
14 employment in this state in the case of marriage and family  
15 therapists and clinical social workers, at which time licensure  
16 shall have been obtained or the employment shall be terminated  
17 except that an extension of a waiver of licensure for marriage and  
18 family therapists and clinical social workers may be granted for  
19 one additional year, based on extenuating circumstances  
20 determined by the department pursuant to subdivision (e). For  
21 persons employed as psychologists, clinical social workers, or  
22 marriage and family therapists less than full time, an extension of  
23 a waiver of licensure may be granted for additional years  
24 proportional to the extent of part-time employment, as long as the  
25 person is employed without interruption in service, but in no case  
26 shall the waiver of licensure exceed six years in the case of  
27 clinical social workers and marriage and family therapists or five  
28 years in the case of psychologists. However, this durational  
29 limitation upon waivers shall not apply to active candidates for a  
30 doctoral degree in social work, social welfare, or social science,  
31 who are enrolled at an accredited university, college, or  
32 professional school, but these limitations shall apply following  
33 completion of this training. Additionally, this durational  
34 limitation upon waivers shall not apply to active candidates for a  
35 doctoral degree in marriage and family therapy who are enrolled  
36 at a school, college, or university, specified in subdivision (a) of  
37 ~~Section 4980.40~~ 4981.02 of the Business and Professions Code,  
38 but the limitations shall apply following completion of the  
39 training. A waiver pursuant to this subdivision shall be granted  
40 only to the extent necessary to qualify for licensure, except that

1 personnel recruited for employment from outside this state and  
2 whose experience is sufficient to gain admission to a licensing  
3 examination shall nevertheless have one year from the date of  
4 their employment in California to become licensed, at which time  
5 licensure shall have been obtained or the employment shall be  
6 terminated, provided that the employee shall take the licensure  
7 examination at the earliest possible date after the date of his or  
8 her employment, and if the employee does not pass the  
9 examination at that time, he or she shall have a second  
10 opportunity to pass the next possible examination, subject to the  
11 one-year limit for marriage and family therapists and clinical  
12 social workers, and subject to a two-year limit for psychologists.

13 (c) A special permit shall be issued by the state department  
14 when it finds that the staff, both professional and  
15 nonprofessional, and the standards of care and services are  
16 adequate and appropriate, and that the special services unit is  
17 operated in the manner required in this chapter and by the rules  
18 and regulations adopted hereunder.

19 (d) The state department shall apply the same standards to  
20 state and other governmental health facilities that it licenses as it  
21 applies to health facilities in private ownership, including  
22 standards specifying the level of training and supervision of all  
23 unlicensed practitioners. Except for psychologists, the  
24 department may grant an extension of a waiver of licensure for  
25 personnel recruited from outside this state for one additional  
26 year, based upon extenuating circumstances as determined by the  
27 department pursuant to subdivision (e).

28 (e) The department shall grant a request for an extension of a  
29 waiver based on extenuating circumstances, pursuant to  
30 subdivisions (b) and (d), if any of the following circumstances  
31 exist:

32 (1) The person requesting the extension has experienced a  
33 recent catastrophic event which may impair the person's ability  
34 to qualify for and pass the license examination. Those events  
35 may include, but are not limited to, significant hardship caused  
36 by a natural disaster, serious and prolonged illness of the person,  
37 serious and prolonged illness or death of a child, spouse, or  
38 parent, or other stressful circumstances.

39 (2) The person requesting the extension has difficulty speaking  
40 or writing the English language, or other cultural and ethnic

1 factors exist which substantially impair the person's ability to  
2 qualify for and pass the license examination.

3 (3) The person requesting the extension has experienced other  
4 personal hardship which the department, in its discretion,  
5 determines to warrant the extension.

6 *SEC. 50. Section 1373 of the Health and Safety Code is*  
7 *amended to read:*

8 1373. (a) A plan contract may not provide an exception for  
9 other coverage if the other coverage is entitlement to Medi-Cal  
10 benefits under Chapter 7 (commencing with Section 14000) or  
11 Chapter 8 (commencing with Section 14200) of Part 3 of  
12 Division 9 of the Welfare and Institutions Code, or medicaid  
13 benefits under Subchapter 19 (commencing with Section 1396)  
14 of Chapter 7 of Title 42 of the United States Code.

15 Each plan contract shall be interpreted not to provide an  
16 exception for the Medi-Cal or medicaid benefits.

17 A plan contract shall not provide an exemption for enrollment  
18 because of an applicant's entitlement to Medi-Cal benefits under  
19 Chapter 7 (commencing with Section 14000) or Chapter 8  
20 (commencing with Section 14200) of Part 3 of Division 9 of the  
21 Welfare and Institutions Code, or medicaid benefits under  
22 Subchapter 19 (commencing with Section 1396) of Chapter 7 of  
23 Title 42 of the United States Code.

24 A plan contract may not provide that the benefits payable  
25 thereunder are subject to reduction if the individual insured has  
26 entitlement to the Medi-Cal or medicaid benefits.

27 (b) A plan contract that provides coverage, whether by specific  
28 benefit or by the effect of general wording, for sterilization  
29 operations or procedures shall not impose any disclaimer,  
30 restriction on, or limitation of, coverage relative to the covered  
31 individual's reason for sterilization.

32 As used in this section, "sterilization operations or procedures"  
33 shall have the same meaning as that specified in Section 10120 of  
34 the Insurance Code.

35 (c) Every plan contract that provides coverage to the spouse or  
36 dependents of the subscriber or spouse shall grant immediate  
37 accident and sickness coverage; from and after the moment of  
38 birth; to each newborn infant of any subscriber or spouse covered  
39 and to each minor child placed for adoption from and after the  
40 date on which the adoptive child's birth parent or other

appropriate legal authority signs a written document, including, but not limited to, a health facility minor release report, a medical authorization form, or a relinquishment form, granting the subscriber or spouse the right to control health care for the adoptive child or, absent this written document, on the date ~~there exists~~ evidence *exists* of the subscriber's or spouse's right to control the health care of the child placed for adoption. No plan may be entered into or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn infants of, or children placed for adoption with, a subscriber or spouse covered as required by this subdivision.

(d) Every plan contract that provides that coverage of a dependent child of a subscriber shall terminate upon attainment of the limiting age for dependent children specified in the plan, shall also provide in substance that attainment of the limiting age shall not operate to terminate the coverage of the child while the child is and continues to be both ~~(1) incapable~~ *of the following*:

(1) *Incapable* of self-sustaining employment by reason of mental retardation or physical handicap ~~and (2) chiefly~~.

(2) *Chiefly* dependent upon the subscriber for support and maintenance, provided proof of the incapacity and dependency is furnished to the plan by the member within 31 days of the request for the information by the plan or group plan contractholder and subsequently as may be required by the plan or group plan contractholder, but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

(e) A plan contract that provides coverage, whether by specific benefit or by the effect of general wording, for both an employee and one or more covered persons dependent upon the employee and provides for an extension of the coverage for any period following a termination of employment of the employee shall also provide that this extension of coverage shall apply to dependents upon the same terms and conditions precedent as applied to the covered employee, for the same period of time, subject to payment of premiums, if any, as required by the terms of the policy and subject to any applicable collective bargaining agreement.

1 (f) A group contract shall not discriminate against  
2 handicapped persons or against groups containing handicapped  
3 persons. Nothing in this subdivision shall preclude reasonable  
4 provisions in a plan contract against liability for services or  
5 reimbursement of the handicap condition or conditions relating  
6 thereto, as may be allowed by rules of the director.

7 (g) Every group contract shall set forth the terms and  
8 conditions under which subscribers and enrollees may remain in  
9 the plan in the event the group ceases to exist, the group contract  
10 is terminated or an individual subscriber leaves the group, or the  
11 enrollees' eligibility status changes.

12 (h) (1) A health care service plan or specialized health care  
13 service plan may provide for coverage of, or for payment for,  
14 professional mental health services, or vision care services, or for  
15 the exclusion of these services. If the terms and conditions  
16 include coverage for services provided in a general acute care  
17 hospital or an acute psychiatric hospital as defined in Section  
18 1250 and do not restrict or modify the choice of providers, the  
19 coverage shall extend to care provided by a psychiatric health  
20 facility as defined in Section 1250.2 operating pursuant to  
21 licensure by the State Department of Mental Health. A health  
22 care service plan that offers outpatient mental health services but  
23 does not cover these services in all of its group contracts shall  
24 communicate to prospective group contractholders as to the  
25 availability of outpatient coverage for the treatment of mental or  
26 nervous disorders.

27 (2) No plan shall prohibit the member from selecting any  
28 psychologist who is licensed pursuant to the Psychology  
29 Licensing Law (Chapter 6.6 (commencing with Section 2900) of  
30 Division 2 of the Business and Professions Code), any  
31 optometrist who is the holder of a certificate issued pursuant to  
32 Chapter 7 (commencing with Section 3000) of Division 2 of the  
33 Business and Professions Code or, upon referral by a physician  
34 and surgeon licensed pursuant to the Medical Practice Act  
35 (Chapter 5 (commencing with Section 2000) of Division 2 of the  
36 Business and Professions Code), (i) any marriage and family  
37 therapist who is the holder of a license under Section ~~4980.50~~  
38 ~~4981.22~~ of the Business and Professions Code, (ii) any licensed  
39 clinical social worker who is the holder of a license under  
40 Section 4996 of the Business and Professions Code, (iii) any

1 registered nurse licensed pursuant to Chapter 6 (commencing  
2 with Section 2700) of Division 2 of the Business and Professions  
3 Code, who possesses a master's degree in psychiatric-mental  
4 health nursing and is listed as a psychiatric-mental health nurse  
5 by the Board of Registered Nursing, or (iv) any advanced  
6 practice registered nurse certified as a clinical nurse specialist  
7 pursuant to Article 9 (commencing with Section 2838) of  
8 Chapter 6 of Division 2 of the Business and Professions Code  
9 who participates in expert clinical practice in the specialty of  
10 psychiatric-mental health nursing, to perform the particular  
11 services covered under the terms of the plan, and the certificate  
12 holder is expressly authorized by law to perform these services.

13 (3) Nothing in this section shall be construed to allow any  
14 certificate holder or licensee enumerated in this section to  
15 perform professional mental health services beyond his or her  
16 field or fields of competence as established by his or her  
17 education, training and experience.

18 (4) For the purposes of this section, "marriage and family  
19 therapist" means a licensed marriage and family therapist who  
20 has received specific instruction in assessment, diagnosis,  
21 prognosis, and counseling, and psychotherapeutic treatment of  
22 premarital, marriage, family, and child relationship dysfunctions  
23 ~~which~~ *that* is equivalent to the instruction required for licensure  
24 on January 1, 1981.

25 (5) Nothing in this section shall be construed to allow a  
26 member to select and obtain mental health or psychological or  
27 vision care services from a certificate or license holder who is not  
28 directly affiliated with or under contract to the health care service  
29 plan or specialized health care service plan to which the member  
30 belongs. All health care service plans and individual practice  
31 associations that offer mental health benefits shall make  
32 reasonable efforts to make available to their members the  
33 services of licensed psychologists. However, a failure of a plan  
34 or association to comply with the requirements of the preceding  
35 sentence shall not constitute a misdemeanor.

36 (6) As used in this subdivision, "individual practice  
37 association" means an entity as defined in subsection (5) of  
38 Section 1307 of the federal Public Health Service Act (42 U.S.C.  
39 Sec. 300e-1, subsec. (5)).

(7) Health care service plan coverage for professional mental health services may include community residential treatment services that are alternatives to inpatient care and that are directly affiliated with the plan or to which enrollees are referred by providers affiliated with the plan.

(i) If the plan utilizes arbitration to settle disputes, the plan contracts shall set forth the type of disputes subject to arbitration, the process to be utilized, and how it is to be initiated.

(j) A plan contract that provides benefits that accrue after a certain time of confinement in a health care facility shall specify what constitutes a day of confinement or the number of consecutive hours of confinement that are requisite to the commencement of benefits.

*SEC. 51. Section 1506 of the Health and Safety Code is amended to read:*

1506. (a) (1) ~~Any~~A holder of a valid license issued by the department that authorizes the licensee to engage in any foster family agency functions, may use only a certified family home that has been certified by that agency or a licensed foster family home approved for this use by the licensing county pursuant to Section 1506.5.

(2) ~~Any~~A home selected and certified for the reception and care of children by that licensee shall not, during the time it is certified and used only by that agency for these placements or care, be subject to Section 1508. A certified family home may not be concurrently licensed as a foster family home or as any other licensed residential facility.

(3) A child with a developmental disability who is placed in a certified family home by a foster family agency that is operating under agreement with the regional center responsible for that child may remain in the certified family home after the age of 18 years. The determination regarding whether and how long he or she may remain as a resident after the age of 18 years shall be made through the agreement of all parties involved, including the resident, the foster parent, the foster family agency social worker, the resident's regional center case manager, and the resident's parent, legal guardian, or conservator, as appropriate. This determination shall include a needs and service plan that contains an assessment of the child's needs to ensure continued compatibility with the other children in placement. The needs

1 and service plan shall be completed no more than six months  
2 prior to the child's eighteenth birthday. The assessment shall be  
3 documented and maintained in the child's file with the foster  
4 family agency.

5 (b) (1) A foster family agency shall certify to the department  
6 that the home has met the department's licensing standards. A  
7 foster family agency may require a family home to meet  
8 additional standards or be compatible with its treatment  
9 approach.

10 (2) The foster family agency shall issue a certificate of  
11 approval to the certified family home upon its determination that  
12 it has met the standards established by the department and before  
13 the placement of any child in the home. The certificate shall be  
14 valid for a period not to exceed one year. The annual  
15 recertification shall require a certified family home to complete  
16 at least 12 hours of structured applicable training or continuing  
17 education. At least one hour of training during the first six  
18 months following initial certification shall be dedicated to  
19 meeting the requirements of paragraph (1) of subdivision (b) of  
20 Section 11174.1 of the Penal Code.

21 (3) If the agency determines that the home no longer meets the  
22 standards, it shall notify the department and the local placing  
23 agency.

24 (c) The department shall develop licensing regulations  
25 differentiating between foster family agencies that provide  
26 treatment of children in foster families and those that provide  
27 nontreatment services.

28 (d) As used in this chapter, "certified family home" means a  
29 family residence certified by a licensed foster family agency and  
30 issued a certificate of approval by that agency as meeting  
31 licensing standards, and used only by that foster family agency  
32 for placements.

33 (e) (1) Requirements for social work personnel for a foster  
34 family agency shall be a master's degree from an accredited or  
35 state approved graduate school in social work or social welfare,  
36 or equivalent education and experience, as determined by the  
37 state department.

38 (2) Persons who possess a master's degree from an accredited  
39 or state approved graduate school in any of the following areas,  
40 or equivalent education and experience, as determined by the

1 state department, shall be considered to be qualified to perform  
2 social work activities in a foster family agency:

- 3 (A) Marriage, family, and child counseling.
- 4 (B) Child psychology.
- 5 (C) Child development.
- 6 (D) Counseling psychology.
- 7 (E) Social psychology.
- 8 (F) Clinical psychology.
- 9 (G) Educational psychology, consistent with the scope of  
10 practice as described in Section ~~4986.10~~ 4987.2 of the Business  
11 and Professions Code.
- 12 (H) Education, with emphasis on counseling.

13 (f) (1) In addition to the degree specifications in subdivision  
14 (e), all of the following coursework and field practice or  
15 experience, as defined in departmental regulations, shall be  
16 required of all new hires for the position of social work personnel  
17 effective January 1, 1995:

- 18 (A) At least three semester units of field practice at the  
19 master's level or six months' full-time equivalent experience in a  
20 public or private social service agency setting.
- 21 (B) At least nine semester units of coursework related to  
22 human development or human behavior, or, within the first year  
23 of employment, experience working with children and families as  
24 a major responsibility of the position under the supervision of a  
25 supervising social worker.
- 26 (C) At least three semester units in working with minority  
27 populations or six months of experience in working with  
28 minority populations or training in cultural competency and  
29 working with minority populations within the first six months of  
30 employment as a condition of employment.
- 31 (D) At least three semester units in child welfare or at least six  
32 months of experience in a public or private child welfare social  
33 services setting for a nonsupervisory social worker. A  
34 supervising social worker shall have two years' experience in a  
35 public or private child welfare social services setting.

36 (2) (A) Persons who do not meet the requirements specified in  
37 subdivision (e) or (f) may apply for an exception as provided for  
38 in subdivisions (g) and (h).

39 (B) Exceptions granted by the department prior to January 1,  
40 1995, shall remain in effect.

1 (3) (A) Persons who are hired as social work personnel on or  
2 after January 1, 1995, who do not meet the requirements listed in  
3 this subdivision shall be required to successfully meet those  
4 requirements in order to be employed as social work personnel in  
5 a foster family agency.

6 (B) Employees who were hired prior to January 1, 1995, shall  
7 not be required to meet the requirements of this subdivision in  
8 order to remain employed as social work personnel in a foster  
9 family agency.

10 (4) Coursework and field practice or experience completed to  
11 fulfill the degree requirements of subdivision (e) may be used to  
12 satisfy the requirements of this subdivision.

13 (g) Individuals seeking an exception to the requirements of  
14 subdivision (e) or (f) based on completion of equivalent  
15 education and experience shall apply to the department by the  
16 process established by the department.

17 (h) The State Department of Social Services shall be required  
18 to complete the process for the exception to minimum education  
19 and experience requirements described in subdivisions (e) and (f)  
20 within 30 days of receiving the exception application of social  
21 work personnel or supervising social worker qualifications from  
22 the foster family agency.

23 (i) The department shall review the feasibility of instituting a  
24 licensure category to cover foster homes that are established  
25 specifically to care for and supervise adults with developmental  
26 disabilities, as defined in subdivision (a) of Section 4512 of the  
27 Welfare and Institutions Code, to prevent the institutionalization  
28 of those individuals.

29 (j) For purposes of this section, “social work personnel” means  
30 supervising social workers as well as nonsupervisory social  
31 workers.

32 *SEC. 52. Section 123115 of the Health and Safety Code is*  
33 *amended to read:*

34 123115. (a) The representative of a minor shall not be  
35 entitled to inspect or obtain copies of the minor’s patient records  
36 in either of the following circumstances:

37 (1) With respect to which the minor has a right of inspection  
38 under Section 123110.

39 (2) Where the health care provider determines that access to  
40 the patient records requested by the representative would have a

1 detrimental effect on the provider's professional relationship with  
2 the minor patient or the minor's physical safety or psychological  
3 well-being. The decision of the health care provider as to whether  
4 or not a minor's records are available for inspection under this  
5 section shall not attach any liability to the provider, unless the  
6 decision is found to be in bad faith.

7 (b) When a health care provider determines there is a  
8 substantial risk of significant adverse or detrimental  
9 consequences to a patient in seeing or receiving a copy of mental  
10 health records requested by the patient, the provider may decline  
11 to permit inspection or provide copies of the records to the  
12 patient, subject to the following conditions:

13 (1) The health care provider shall make a written record, to be  
14 included with the mental health records requested, noting the  
15 date of the request and explaining the health care provider's  
16 reason for refusing to permit inspection or provide copies of the  
17 records, including a description of the specific adverse or  
18 detrimental consequences to the patient that the provider  
19 anticipates would occur if inspection or copying were permitted.

20 (2) The health care provider shall permit inspection by, or  
21 provide copies of the mental health records to, a licensed  
22 physician and surgeon, licensed psychologist, licensed marriage  
23 and family therapist, or licensed clinical social worker,  
24 designated by request of the patient. Any marriage and family  
25 therapist registered intern, as defined in Chapter 13 (commencing  
26 with Section 4980) of Division 2 of the Business and Professions  
27 Code, may not inspect the patient's mental health records or  
28 obtain copies thereof, except pursuant to the direction or  
29 supervision of a licensed professional specified in subdivision-(f)  
30 (a) of Section ~~4980.40~~ 4981.11 of the Business and Professions  
31 Code. Prior to providing copies of mental health records to a  
32 marriage and family therapist registered intern, a receipt for those  
33 records shall be signed by the supervising licensed professional.  
34 The licensed physician and surgeon, licensed psychologist,  
35 licensed marriage and family therapist, licensed clinical social  
36 worker, or marriage and family therapist registered intern to  
37 whom the records are provided for inspection or copying shall  
38 not permit inspection or copying by the patient.

39 (3) The health care provider shall inform the patient of the  
40 provider's refusal to permit him or her to inspect or obtain copies

1 of the requested records, and inform the patient of the right to  
2 require the provider to permit inspection by, or provide copies to,  
3 a licensed physician and surgeon, licensed psychologist, licensed  
4 marriage and family therapist, or licensed clinical social worker,  
5 designated by written authorization of the patient.

6 (4) The health care provider shall indicate in the mental health  
7 records of the patient whether the request was made under  
8 paragraph (2).

9 *SEC. 53. Section 10176 of the Insurance Code is amended to*  
10 *read:*

11 10176. In disability insurance, the policy may provide for  
12 payment of medical, surgical, chiropractic, physical therapy,  
13 speech pathology, audiology, acupuncture, professional mental  
14 health, dental, hospital, or optometric expenses upon a  
15 reimbursement basis, or for the exclusion of any of those  
16 services, and provision may be made therein for payment of all  
17 or a portion of the amount of charge for these services without  
18 requiring that the insured first pay the expenses. The policy shall  
19 not prohibit the insured from selecting any psychologist or other  
20 person who is the holder of a certificate or license under Section  
21 1000, 1634, 2050, 2472, 2553, 2630, 2948, 3055, or 4938 of the  
22 Business and Professions Code, to perform the particular services  
23 covered under the terms of the policy, the certificate holder or  
24 licensee being expressly authorized by law to perform those  
25 services.

26 If the insured selects any person who is a holder of a certificate  
27 under Section 4938 of the Business and Professions Code, a  
28 disability insurer or nonprofit hospital service plan shall pay the  
29 bona fide claim of an acupuncturist holding a certificate pursuant  
30 to Section 4938 of the Business and Professions Code for the  
31 treatment of an insured person only if the insured's policy or  
32 contract expressly includes acupuncture as a benefit and includes  
33 coverage for the injury or illness treated. Unless the policy or  
34 contract expressly includes acupuncture as a benefit, no person  
35 who is the holder of any license or certificate set forth in this  
36 section shall be paid or reimbursed under the policy for  
37 acupuncture.

38 Nor shall the policy prohibit the insured, upon referral by a  
39 physician and surgeon licensed under Section 2050 of the  
40 Business and Professions Code, from selecting any licensed

1 clinical social worker who is the holder of a license issued under  
2 Section 4996 of the Business and Professions Code or any  
3 occupational therapist as specified in Section 2570.2 of the  
4 Business and Professions Code, or any marriage and family  
5 therapist who is the holder of a license under Section ~~4980.50~~  
6 ~~4981.22~~ of the Business and Professions Code, to perform the  
7 particular services covered under the terms of the policy, or from  
8 selecting any speech-language pathologist or audiologist licensed  
9 under Section 2532 of the Business and Professions Code or any  
10 registered nurse licensed pursuant to Chapter 6 (commencing  
11 with Section 2700) of Division 2 of the Business and Professions  
12 Code, who possesses a master's degree in psychiatric-mental  
13 health nursing and is listed as a psychiatric-mental health nurse  
14 by the Board of Registered Nursing or any advanced practice  
15 registered nurse certified as a clinical nurse specialist pursuant to  
16 Article 9 (commencing with Section 2838) of Chapter 6 of  
17 Division 2 of the Business and Professions Code who participates  
18 in expert clinical practice in the specialty of psychiatric-mental  
19 health nursing, or any respiratory care practitioner certified  
20 pursuant to Chapter 8.3 (commencing with Section 3700) of  
21 Division 2 of the Business and Professions Code to perform  
22 services deemed necessary by the referring physician, that  
23 certificate holder, licensee or otherwise regulated person, being  
24 expressly authorized by law to perform the services.

25 Nothing in this section shall be construed to allow any  
26 certificate holder or licensee enumerated in this section to  
27 perform professional mental health services beyond his or her  
28 field or fields of competence as established by his or her  
29 education, training, and experience. For the purposes of this  
30 section, "marriage and family therapist" means a licensed  
31 marriage and family therapist who has received specific  
32 instruction in assessment, diagnosis, prognosis, and counseling,  
33 and psychotherapeutic treatment of premarital, marriage, family,  
34 and child relationship dysfunctions that is equivalent to the  
35 instruction required for licensure on January 1, 1981.

36 An individual disability insurance policy, which is issued,  
37 renewed, or amended on or after January 1, 1988, which includes  
38 mental health services coverage may not include a lifetime  
39 waiver for that coverage with respect to any applicant. The

lifetime waiver of coverage provision shall be deemed unenforceable.

*SEC. 54. Section 10177 of the Insurance Code is amended to read:*

10177. A self-insured employee welfare benefit plan may provide for payment of professional mental health expenses upon a reimbursement basis, or for the exclusion of those services, and provision may be made therein for payment of all or a portion of the amount of charge for those services without requiring that the employee first pay those expenses. The plan shall not prohibit the employee from selecting any psychologist who is the holder of a certificate issued under Section 2948 of the Business and Professions Code or, upon referral by a physician and surgeon licensed under Section—2135 2050 of the Business and Professions Code, any licensed clinical social worker who is the holder of a license issued under Section 4996 of the Business and Professions Code or any marriage and family therapist who is the holder of a certificate or license under Section—4980.50 4981.22 of the Business and Professions Code, or any registered nurse licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, who possesses a master’s degree in psychiatric-mental health nursing and is listed as a psychiatric-mental health nurse by the Board of Registered Nursing or any advanced practice registered nurse certified as a clinical nurse specialist pursuant to Article 9 (commencing with Section 2838) of Chapter 6 of Division 2 of the Business and Professions Code who participates in expert clinical practice in the specialty of psychiatric-mental health nursing, to perform the particular services covered under the terms of the plan, the certificate or license holder being expressly authorized by law to perform these services.

Nothing in this section shall be construed to allow any certificate holder or licensee enumerated in this section to perform professional services beyond his or her field or fields of competence as established by his or her education, training, and experience. For the purposes of this section, “marriage and family therapist” shall mean a licensed marriage and family therapist who has received specific instruction in assessment, diagnosis, prognosis, and counseling, and psychotherapeutic treatment of premarital, marriage, family, and child relationship

dysfunctions—~~which~~ *that* is equivalent to the instruction required for licensure on January 1, 1981.

A self-insured employee welfare benefit plan, which is issued, renewed, or amended on or after January 1, 1988, that includes mental health services coverage in nongroup contracts may not include a lifetime waiver for that coverage with respect to any employee. The lifetime waiver of coverage provision shall be deemed unenforceable.

*SEC. 55. Section 11163.3 of the Penal Code is amended to read:*

11163.3. (a) A county may establish an interagency domestic violence death review team to assist local agencies in identifying and reviewing domestic violence deaths, including homicides and suicides, and facilitating communication among the various agencies involved in domestic violence cases. Interagency domestic violence death review teams have been used successfully to ensure that incidents of domestic violence and abuse are recognized and that agency involvement is reviewed to develop recommendations for policies and protocols for community prevention and intervention initiatives to reduce and eradicate the incidence of domestic violence.

(b) For purposes of this section, “abuse” has the meaning set forth in Section 6203 of the Family Code and “domestic violence” has the meaning set forth in Section 6211 of the Family Code.

(c) A county may develop a protocol that may be used as a guideline to assist coroners and other persons who perform autopsies on domestic violence victims in the identification of domestic violence, in the determination of whether domestic violence contributed to death or whether domestic violence had occurred prior to death, but was not the actual cause of death, and in the proper written reporting procedures for domestic violence, including the designation of the cause and mode of death.

(d) County domestic violence death review teams shall be comprised of, but not limited to, the following:

- (1) Experts in the field of forensic pathology.
- (2) Medical personnel with expertise in domestic violence abuse.
- (3) Coroners and medical examiners.
- (4) Criminologists.

1 (5) District attorneys and city attorneys.

2 (6) Domestic violence shelter service staff and battered  
3 women's advocates.

4 (7) Law enforcement personnel.

5 (8) Representatives of local agencies that are involved with  
6 domestic violence abuse reporting.

7 (9) County health department staff who deal with domestic  
8 violence victims' health issues.

9 (10) Representatives of local child abuse agencies.

10 (11) Local professional associations of persons described in  
11 paragraphs (1) to (10), inclusive.

12 (e) An oral or written communication or a document shared  
13 within or produced by a domestic violence death review team  
14 related to a domestic violence death review is confidential and  
15 not subject to disclosure or discoverable by a third party. An oral  
16 or written communication or a document provided by a third  
17 party to a domestic violence death review team, or between a  
18 third party and a domestic violence death review team, is  
19 confidential and not subject to disclosure or discoverable by a  
20 third party. Notwithstanding the foregoing, recommendations of  
21 a domestic violence death review team upon the completion of a  
22 review may be disclosed at the discretion of a majority of the  
23 members of the domestic violence death review team.

24 (f) Each organization represented on a domestic violence death  
25 review team may share with other members of the team  
26 information in its possession concerning the victim who is the  
27 subject of the review or any person who was in contact with the  
28 victim and any other information deemed by the organization to  
29 be pertinent to the review. Any information shared by an  
30 organization with other members of a team is confidential. This  
31 provision shall permit the disclosure to members of the team of  
32 any information deemed confidential, privileged, or prohibited  
33 from disclosure by any other statute.

34 (g) Written and oral information may be disclosed to a  
35 domestic violence death review team established pursuant to this  
36 section. The team may make a request in writing for the  
37 information sought and any person with information of the kind  
38 described in paragraph (2) of this subdivision may rely on the  
39 request in determining whether information may be disclosed to  
40 the team.

1 (1) No individual or agency that has information governed by  
2 this subdivision shall be required to disclose information. The  
3 intent of this subdivision is to allow the voluntary disclosure of  
4 information by the individual or agency that has the information.

5 (2) The following information may be disclosed pursuant to  
6 this subdivision:

7 (A) Notwithstanding Section 56.10 of the Civil Code, medical  
8 information.

9 (B) Notwithstanding Section 5328 of the Welfare and  
10 Institutions Code, mental health information.

11 (C) Notwithstanding Section 15633.5 of the Welfare and  
12 Institutions Code, information from elder abuse reports and  
13 investigations, except the identity of persons who have made  
14 reports, which shall not be disclosed.

15 (D) Notwithstanding Section 11167.5 of the Penal Code,  
16 information from child abuse reports and investigations, except  
17 the identity of persons who have made reports, which shall not be  
18 disclosed.

19 (E) State summary criminal history information, criminal  
20 offender record information, and local summary criminal history  
21 information, as defined in Sections 11075, 11105, and 13300 of  
22 the Penal Code.

23 (F) Notwithstanding Section 11163.2 of the Penal Code,  
24 information pertaining to reports by health practitioners of  
25 persons suffering from physical injuries inflicted by means of a  
26 firearm or of persons suffering physical injury where the injury is  
27 a result of assaultive or abusive conduct, and information relating  
28 to whether a physician referred the person to local domestic  
29 violence services as recommended by Section 11161 of the Penal  
30 Code.

31 (G) Notwithstanding Section 827 of the Welfare and  
32 Institutions Code, information in any juvenile court proceeding.

33 (H) Information maintained by the Family Court, including  
34 information relating to the Family Conciliation Court Law  
35 pursuant to Section 1818 of the Family Code, and Mediation of  
36 Custody and Visitation Issues pursuant to Section 3177 of the  
37 Family Code.

38 (I) Information provided to probation officers in the course of  
39 the performance of their duties, including, but not limited to, the  
40 duty to prepare reports pursuant to Section 1203.10 of the Penal

1 Code, as well as the information on which these reports are  
2 based.

3 (J) Notwithstanding Section 10825 of the Welfare and  
4 Institutions Code, records of in-home supportive services, unless  
5 disclosure is prohibited by federal law.

6 (3) The disclosure of written and oral information authorized  
7 under this subdivision shall apply notwithstanding Sections 2263,  
8 2918, ~~4982~~, 4984, and 6068 of the Business and Professions  
9 Code, or the lawyer-client privilege protected by Article 3  
10 (commencing with Section 950) of Chapter 4 of Division 8 of the  
11 Evidence Code, the physician-patient privilege protected by  
12 Article 6 (commencing with Section 990) of Chapter 4 of  
13 Division 8 of the Evidence Code, the psychotherapist-patient  
14 privilege protected by Article 7 (commencing with Section 1010)  
15 of Chapter 4 of Division 8 of the Evidence Code, the sexual  
16 assault victim-counselor privilege protected by Article 8.5  
17 (commencing with Section 1035) of Chapter 4 of Division 8 of  
18 the Evidence Code, and the domestic violence victim-counselor  
19 privilege protected by Article 8.7 (commencing with Section  
20 1037) of Chapter 4 of Division 8 of the Evidence Code.

21 *SEC. 56. Section 11165.7 of the Penal Code is amended to*  
22 *read:*

23 11165.7. (a) As used in this article, “mandated reporter” is  
24 defined as any of the following:

25 (1) A teacher.

26 (2) An instructional aide.

27 (3) A teacher’s aide or teacher’s assistant employed by any  
28 public or private school.

29 (4) A classified employee of any public school.

30 (5) An administrative officer or supervisor of child welfare  
31 and attendance, or a certificated pupil personnel employee of any  
32 public or private school.

33 (6) An administrator of a public or private day camp.

34 (7) An administrator or employee of a public or private youth  
35 center, youth recreation program, or youth organization.

36 (8) An administrator or employee of a public or private  
37 organization whose duties require direct contact and supervision  
38 of children.

1 (9) Any employee of a county office of education or the  
2 California Department of Education, whose duties bring the  
3 employee into contact with children on a regular basis.

4 (10) A licensee, an administrator, or an employee of a licensed  
5 community care or child day care facility.

6 (11) A Head Start program teacher.

7 (12) A licensing worker or licensing evaluator employed by a  
8 licensing agency as defined in Section 11165.11.

9 (13) A public assistance worker.

10 (14) An employee of a child care institution, including, but not  
11 limited to, foster parents, group home personnel, and personnel  
12 of residential care facilities.

13 (15) A social worker, probation officer, or parole officer.

14 (16) An employee of a school district police or security  
15 department.

16 (17) Any person who is an administrator or presenter of, or a  
17 counselor in, a child abuse prevention program in any public or  
18 private school.

19 (18) A district attorney investigator, inspector, or local child  
20 support agency caseworker unless the investigator, inspector, or  
21 caseworker is working with an attorney appointed pursuant to  
22 Section 317 of the Welfare and Institutions Code to represent a  
23 minor.

24 (19) A peace officer, as defined in Chapter 4.5 (commencing  
25 with Section 830) of Title 3 of Part 2, who is not otherwise  
26 described in this section.

27 (20) A firefighter, except for volunteer firefighters.

28 (21) A physician, surgeon, psychiatrist, psychologist, dentist,  
29 resident, intern, podiatrist, chiropractor, licensed nurse, dental  
30 hygienist, optometrist, marriage, family and child counselor,  
31 clinical social worker, or any other person who is currently  
32 licensed under Division 2 (commencing with Section 500) of the  
33 Business and Professions Code.

34 (22) Any emergency medical technician I or II, paramedic, or  
35 other person certified pursuant to Division 2.5 (commencing with  
36 Section 1797) of the Health and Safety Code.

37 (23) A psychological assistant registered pursuant to Section  
38 2913 of the Business and Professions Code.

1 (24) A marriage, ~~family~~, and ~~child~~ *family* therapist trainee, as  
2 defined in subdivision ~~(e)~~ *(h)* of Section ~~4980.03~~ *4980.02* of the  
3 Business and Professions Code.

4 (25) An unlicensed marriage, ~~family~~, and ~~child~~ *family* therapist  
5 intern registered under Section ~~4980.44~~ *4981.01* of the Business  
6 and Professions Code.

7 (26) A state or county public health employee who treats a  
8 minor for venereal disease or any other condition.

9 (27) A coroner.

10 (28) A medical examiner, or any other person who performs  
11 autopsies.

12 (29) A commercial film and photographic print processor, as  
13 specified in subdivision ~~(d)~~ *(e)* of Section 11166. As used in this  
14 article, “commercial film and photographic print processor”  
15 means any person who develops exposed photographic film into  
16 negatives, slides, or prints, or who makes prints from negatives  
17 or slides, for compensation. The term includes any employee of  
18 such a person; it does not include a person who develops film or  
19 makes prints for a public agency.

20 (30) A child visitation monitor. As used in this article, “child  
21 visitation monitor” means any person who, for financial  
22 compensation, acts as monitor of a visit between a child and any  
23 other person when the monitoring of that visit has been ordered  
24 by a court of law.

25 (31) An animal control officer or humane society officer. For  
26 the purposes of this article, the following terms have the  
27 following meanings:

28 (A) “Animal control officer” means any person employed by a  
29 city, county, or city and county for the purpose of enforcing  
30 animal control laws or regulations.

31 (B) “Humane society officer” means any person appointed or  
32 employed by a public or private entity as a humane officer who is  
33 qualified pursuant to Section 14502 or 14503 of the Corporations  
34 Code.

35 (32) A clergy member, as specified in subdivision ~~(e)~~ *(d)* of  
36 Section 11166. As used in this article, “clergy member” means a  
37 priest, minister, rabbi, religious practitioner, or similar  
38 functionary of a church, temple, or recognized denomination or  
39 organization.

1 (33) Any custodian of records of a clergy member, as  
2 specified in this section and subdivision ~~(e)~~ (d) of Section 11166.

3 (34) Any employee of any police department, county sheriff's  
4 department, county probation department, or county welfare  
5 department.

6 (35) An employee or volunteer of a Court Appointed Special  
7 Advocate program, as defined in Rule 1424 of the California  
8 Rules of Court.

9 (36) A custodial officer as defined in Section 831.5.

10 (37) Any person providing services to a minor child under  
11 Section 12300 or 12300.1 of the Welfare and Institutions Code.

12 (b) Except as provided in paragraph (35) of subdivision (a),  
13 volunteers of public or private organizations whose duties require  
14 direct contact with and supervision of children are not mandated  
15 reporters but are encouraged to obtain training in the  
16 identification and reporting of child abuse and neglect and are  
17 further encouraged to report known or suspected instances of  
18 child abuse or neglect to an agency specified in Section 11165.9.

19 (c) Employers are strongly encouraged to provide their  
20 employees who are mandated reporters with training in the duties  
21 imposed by this article. This training shall include training in  
22 child abuse and neglect identification and training in child abuse  
23 and neglect reporting. Whether or not employers provide their  
24 employees with training in child abuse and neglect identification  
25 and reporting, the employers shall provide their employees who  
26 are mandated reporters with the statement required pursuant to  
27 subdivision (a) of Section 11166.5.

28 (d) School districts that do not train their employees specified  
29 in subdivision (a) in the duties of mandated reporters under the  
30 child abuse reporting laws shall report to the State Department of  
31 Education the reasons why this training is not provided.

32 (e) Unless otherwise specifically provided, the absence of  
33 training shall not excuse a mandated reporter from the duties  
34 imposed by this article.

35 (f) Public and private organizations are encouraged to provide  
36 their volunteers whose duties require direct contact with and  
37 supervision of children with training in the identification and  
38 reporting of child abuse and neglect.

39 *SEC. 57. Section 11174.8 of the Penal Code is amended to*  
40 *read:*

1 11174.8. (a) Each organization represented on an elder death  
2 review team may share with other members of the team  
3 information in its possession concerning the decedent who is the  
4 subject of the review or any person who was in contact with the  
5 decedent and any other information deemed by the organization  
6 to be pertinent to the review. Any information shared by an  
7 organization with other members of a team is confidential. The  
8 intent of this subdivision is to permit the disclosure to members  
9 of the team of any information deemed confidential, privileged,  
10 or prohibited from disclosure by any other provision of law.

11 (b) (1) Written and oral information may be disclosed to an  
12 elder death review team established pursuant to this section. The  
13 team may make a request in writing for the information sought  
14 and any person with information of the kind described in  
15 paragraph (3) may rely on the request in determining whether  
16 information may be disclosed to the team.

17 (2) No individual or agency that has information governed by  
18 this subdivision shall be required to disclose information. The  
19 intent of this subdivision is to allow the voluntary disclosure of  
20 information by the individual or agency that has the information.

21 (3) The following information may be disclosed pursuant to  
22 this subdivision:

23 (A) Notwithstanding Section 56.10 of the Civil Code, medical  
24 information.

25 (B) Notwithstanding Section 5328 of the Welfare and  
26 Institutions Code, mental health information.

27 (C) Notwithstanding Section 15633.5 of the Welfare and  
28 Institutions Code, information from elder abuse reports and  
29 investigations, except the identity of persons who have made  
30 reports, which shall not be disclosed.

31 (D) State summary criminal history information, criminal  
32 offender record information, and local summary criminal history  
33 information, as defined in Sections 11075, 11105, and 13300.

34 (E) Notwithstanding Section 11163.2, information pertaining  
35 to reports by health practitioners of persons suffering from  
36 physical injuries inflicted by means of a firearm or of persons  
37 suffering physical injury where the injury is a result of assaultive  
38 or abusive conduct.

39 (F) Information provided to probation officers in the course of  
40 the performance of their duties, including, but not limited to, the

1 duty to prepare reports pursuant to Section 1203.10, as well as  
2 the information on which these reports are based.

3 (G) Notwithstanding Section 10825 of the Welfare and  
4 Institutions Code, records relating to in-home supportive  
5 services, unless disclosure is prohibited by federal law.

6 (c) Written and oral information may be disclosed under this  
7 section notwithstanding Sections 2263, 2918, ~~4982~~, 4984, and  
8 6068 of the Business and Professions Code, the lawyer-client  
9 privilege protected by Article 3 (commencing with Section 950)  
10 of Chapter 4 of Division 8 of the Evidence Code, the  
11 physician-patient privilege protected by Article 6 (commencing  
12 with Section 990) of Chapter 4 of Division 8 of the Evidence  
13 Code, and the psychotherapist-patient privilege protected by  
14 Article 7 (commencing with Section 1010) of Chapter 4 of  
15 Division 8 of the Evidence Code.

16 *SEC. 58. Section 15610.37 of the Welfare and Institutions*  
17 *Code is amended to read:*

18 15610.37. "Health practitioner" means a physician and  
19 surgeon, psychiatrist, psychologist, dentist, resident, intern,  
20 podiatrist, chiropractor, licensed nurse, dental hygienist, licensed  
21 clinical social worker or associate clinical social worker,  
22 marriage, family, and child counselor, or any other person who is  
23 currently licensed under Division 2 (commencing with Section  
24 500) of the Business and Professions Code, any emergency  
25 medical technician I or II, paramedic, or person certified pursuant  
26 to Division 2.5 (commencing with Section 1797) of the Health  
27 and Safety Code, a psychological assistant registered pursuant to  
28 Section 2913 of the Business and Professions Code, a marriage,  
29 ~~family, and child counselor~~ *family therapist* trainee, as defined in  
30 subdivision ~~(e)~~ *(h)* of Section ~~4980.03~~ 4980.02 of the Business  
31 and Professions Code, or an unlicensed marriage, ~~family, and~~  
32 ~~child counselor~~ *family therapist* intern registered under Section  
33 ~~4980.44~~ 4981.01 of the Business and Professions Code, state or  
34 county public health or social service employee who treats an  
35 elder or a dependent adult for any condition, or a coroner.

36 *SEC. 59. No reimbursement is required by this act pursuant*  
37 *to Section 6 of Article XIII B of the California Constitution*  
38 *because the only costs that may be incurred by a local agency or*  
39 *school district will be incurred because this act creates a new*  
40 *crime or infraction, eliminates a crime or infraction, or changes*

1 *the penalty for a crime or infraction, within the meaning of*  
2 *Section 17556 of the Government Code, or changes the definition*  
3 *of a crime within the meaning of Section 6 of Article XIII B of the*  
4 *California Constitution.*

5 ~~SECTION 1. It is the intent of the Legislature to enact~~  
6 ~~legislation for approval by the voters that would permit the~~  
7 ~~amendment of the Chiropractic Act, entitled “An act prescribing~~  
8 ~~the terms upon which licenses may be issued to practitioners of~~  
9 ~~chiropractic, creating the State Board of Chiropractic Examiners~~  
10 ~~and declaring its powers and duties, prescribing penalties for~~  
11 ~~violation hereof, and repealing all acts and parts of acts~~  
12 ~~inconsistent herewith” and approved by the voters on November~~  
13 ~~7, 1922, consistent with the intent of the act, by an extraordinary~~  
14 ~~vote of the Legislature, without requiring approval by the voters~~  
15 ~~of this state.~~

16 ~~SEC. 2. This act is an urgency statute necessary for the~~  
17 ~~immediate preservation of the public peace, health, or safety~~  
18 ~~within the meaning of Article IV of the Constitution and shall go~~  
19 ~~into immediate effect. The facts constituting the necessity are:~~

20 ~~In order to consider revising the requirements for amendment~~  
21 ~~of the Chiropractic Act prior to the deadline for placing such a~~  
22 ~~provision on the ballot of the next general statewide election for~~  
23 ~~approval by the voters of this state in accordance with applicable~~  
24 ~~provisions of law, it is necessary that this act take effect~~  
25 ~~immediately.~~